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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **IN AND FOR THE COUNTY OF SANTA CLARA**

13 TERESA MAULDIN, TODD SPELLMAN,  
14 GARY WEEKLEY, KEVIN BEBEE, DAN  
15 STAPP, BOB BACON, JOHN CASTRO, LUIS  
16 CHACON, FRANK DIAZ, FELIX DIAZ,  
17 PAUL EDEN, JOHN LAURENT, LARRY  
18 NOON, ROB PIPER, STEVE PIZZO, MOSES  
19 SALAS, MIKE SANCHEZ, ED SOLANO,  
20 MARC STELLING, MIKE TALLERICO,  
21 MIKE TAPIA, EUNICO TRINIDAD, GEORGE  
22 VEGA, WILLIAM STAPLES, BRIDGET  
23 TAPIA, VICTORIA BEBEE, and KATHY  
24 PIPER,

25 Plaintiffs,

26 vs.

27 3M COMPANY, E. I. DU PONT DE  
28 NEMOURS & CO., THE CHEMOURS  
COMPANY L.L.C., ARCHROMA U.S., INC.,  
ARKEMA, INC., AGC CHEMICALS  
AMERICAS, INC., DAIKIN AMERICA, INC.,  
SOLVAY SPECIALTY POLYMERS, USA,  
L.L.C., JOHNSON CONTROLS, INC., TYCO  
FIRE PRODUCTS, L.P., NATIONAL FOAM,  
INC., CHEMGUARD, INC., CARRIER  
GLOBAL CORPORATION, KIDDE  
FIREFIGHTING INC., KIDDE-FENWAL,

Case No: **20CV370176**

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

**DEMAND FOR JURY TRIAL**

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INC., PERIMETER SOLUTIONS, LP, FIRE SERVICE PLUS, INC., BUCKEYE FIRE EQUIPMENT, AMEREX CORPORATION, DYNAX CORPORATION, MSA SAFETY, INC., LION GROUP, INC., L.N. CURTIS & SONS, W. L. GORE & ASSOCIATES, INC., ROYAL TEN CATE US, INC., PBI PERFORMANCE PRODUCTS, INC., ALLSTAR FIRE EQUIPMENT, and DOES 1 through 25,

Defendants,

Plaintiffs Teresa Mauldin, Todd Spellman, Gary Weekley, Kevin Bebee, Dan Stapp, Bob Bacon, John Castro, Luis Chacon, Frank Diaz, Felix Diaz, Paul Eden, John Laurent, Larry Noon, Rob Piper, Steve Pizzo, Moses Salas, Mike Sanchez, Ed Solano, Marc Stelling, Mike Tallerico, Mike Tapia, Eunico Trinidad, George Vega, William Staples, Bridget Tapia, Victoria Bebee, and Kathy Piper, by and through their attorneys of record, allege as follows:

**INTRODUCTION**

1. Plaintiffs are 24 current and retired firefighters (collectively, the “Firefighter Plaintiffs”) who have served the San Jose, Santa Clara, and Gilroy communities as firefighters and worked in various fire stations, engine, truck, and specialized companies in the County of Santa Clara for decades, and three of their spouses (collectively, the “Spouse Plaintiffs”).

2. Plaintiffs bring this action for monetary damages and appropriate equitable and injunctive relief for harm resulting from exposure to per- and polyfluoroalkyl substances (“PFAS”) that were manufactured, designed, sold, supplied, distributed and/or contained in products manufactured, designed, sold, supplied and/or distributed by each of the Defendants, individually or through their predecessors or subsidiaries

3. PFAS are human-made chemicals consisting of a chain of carbon and fluorine atoms used in manufactured products to, *inter alia*, resist and repel oil, stains, heat and water. PFAS include “long-chain” PFAS made up of eight or more carbon atoms (“long-chain PFAS”) as well as “short-

1 chain” PFAS made up of six or fewer carbon atoms (“short-chain PFAS”).

2 4. PFAS are known as “forever chemicals” because they are immune to degradation, bio-  
3 accumulate in individual organisms and humans, and increase in concentration up the food chain.  
4 PFAS exposure to humans can occur through inhalation, ingestion and dermal contact.<sup>1</sup>

5 5. PFAS have been associated with multiple and serious adverse health effects in humans  
6 including cancer, liver damage, immune system and endocrine disorders, high cholesterol, thyroid  
7 disease, ulcerative colitis, birth defects, decreased fertility, and pregnancy-induced hypertension.  
8 PFAS have also been found to concentrate in human blood, bones and organs.

9 6. Unbeknownst to Plaintiffs, Defendants have manufactured, marketed, distributed,  
10 sold, or used PFAS and PFAS-containing materials in Class B firefighting foams (“Class B foam”)<sup>2</sup>  
11 and in protective clothing specifically designed for firefighters (“turnouts”).

12 7. For decades, Defendants were aware of the toxic nature of PFAS and the harmful  
13 impact these substances have on human health. Yet, Defendants manufactured, designed, marketed,  
14 sold, supplied, or distributed PFAS and PFAS chemical feedstock,<sup>3</sup> as well PFAS-containing Class  
15 B foam and turnouts, to firefighting training facilities and fire departments nationally, including in  
16 California and in Santa Clara County. Defendants did so, moreover, without ever informing  
17 firefighters or the public that their Class B foams and turnouts contained PFAS, and without warning  
18 firefighters or the public of the substantial and serious health injuries that can result from exposure  
19 to PFAS or PFAS-containing materials.

20 8. The Firefighter Plaintiffs wore turnouts and used Class B foam in the usual and normal  
21 course of performing their firefighting duties and training. They did not know and, in the exercise  
22 of reasonable diligence, could not have known that these products contained PFAS or PFAS-

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24 <sup>1</sup> Suzanne E. Fenton, MS, PhD, *PFAS Collection*, Environmental Health Perspectives (February 22,  
2019), <https://ehp.niehs.nih.gov/curated-collections/pfas>.

25 <sup>2</sup> Class B foams are synthetic “soap-like” foams that spread rapidly across the surface of a fuel or  
26 chemical fire to stop the formation of flammable vapors. The most common Class B foam is aqueous  
film-forming foam (or “AFFF”).

27 <sup>3</sup> Chemical feedstock refers to a chemical used to support a large-scale chemical reaction. The PFAS  
28 chemicals utilized to manufacture products containing PFAS are generally referred to herein as  
“chemical feedstock.”

1 containing materials. Instead, at all relevant times and continuing to the present, Defendants  
2 represented their Class B foams and turnouts as safe.

3 9. The Firefighter Plaintiffs did not learn of their PFAS exposure until July 2020, when  
4 blood serum tests revealed that each of them has significantly elevated levels of PFAS in their blood.

5 10. The Firefighter Plaintiffs use and/or used the Class B foam and turnouts as they were  
6 intended and in a foreseeable manner which exposed them to PFAS in the course of their firefighting  
7 activities. This repeated and extensive exposure to PFAS resulted in cancers and other serious and  
8 life-threatening diseases to the Firefighter Plaintiffs. Their PFAS exposures continue to pose a  
9 significant threat to their personal health due to PFAS' persistence, pervasiveness, toxicity and  
10 bioaccumulation.

11 11. Defendants knowingly and willfully manufactured, designed, marketed, sold, and  
12 distributed chemicals and/or products containing PFAS for use within the State of California when  
13 they knew or reasonably should have known that the Firefighter Plaintiffs would repeatedly inhale  
14 and/or have dermal contact with these harmful compounds during firefighting training exercises and  
15 in firefighting emergencies, and that such exposure would threaten the health and welfare of  
16 firefighters exposed to these dangerous and hazardous chemicals.

17 12. Plaintiffs bring this action against Defendants and seek damages, together with any  
18 appropriate injunctive or other equitable relief.

### 19 **PARTIES TO THE ACTION**

#### 20 **Plaintiffs**

##### 21 **A. The Firefighter Plaintiffs**

22 13. Teresa Mauldin worked for 20 years in the City of San Jose Fire Department ("SJFD").  
23 She worked as a firefighter and fire engineer at one of busiest fire stations in the United States, SJFD  
24 Fire Station 2 ("The Rock"), serving the Alum Rock district of San Jose. Teresa was promoted to  
25 fire inspector and later became an arson investigator. Teresa's firefighter training included incident  
26 command; fire suppression for structures, vehicles and grassland (including use and application of  
27 foam); search and rescue; ventilation operations; salvage and overhaul; and emergency medical  
28 training. She also received specialized training as an arson investigator. During her career, she

1 responded to approximately 100 calls a year and, by the end, had responded to 600 fire calls. In the  
2 course of firefighting training and fire suppression activities, she routinely used Class B foam and  
3 wore turnouts that, unbeknownst to her, contained PFAS or PFAS-containing materials. She was  
4 unaware that the Class B foam she used and the turnouts she wore contained PFAS or PFAS-  
5 containing materials. Blood serum testing conducted in July 2020 shows her PFAS levels are  
6 significantly elevated. She has been diagnosed with and treated for bladder cancer (as well as a  
7 reoccurrence) and for breast cancer.

8 14. Todd Spellman was in the fire service for 29 years in the City of San Jose Fire  
9 Department. He worked as a volunteer firefighter, firefighter, and fire captain on the Hazardous  
10 Incident Team (“HIT) at SJFD Fire Station 29, serving the neighborhoods of north San Jose. In 1999,  
11 he was awarded Firefighter of the Year. Todd’s firefighter training included incident command; fire  
12 suppression for structures, vehicles and grassland (including use and application of foam); search  
13 and rescue; ventilation operations; salvage and overhaul; and emergency medical training. Todd also  
14 received specialized training related to hazardous materials incidents and ARFF (aircraft rescue  
15 firefighter). The HIT team responded to calls for flammable liquid spills, drug labs, vehicle accidents  
16 and hazardous materials incidents. As captain, Todd was responsible for developing appropriate  
17 tactics and strategy to safely mitigate the hazardous material incident. In this role, Todd received  
18 such comprehensive hazardous material training in risk assessment, risk-exposure and tactical  
19 decision-making that he became a specialist in hazardous materials first responder operations. In the  
20 course of firefighting training and fire suppression activities, he routinely used Class B foam and  
21 wore turnouts that, unbeknownst to him contained PFAS or PFAS-containing materials. He was  
22 unaware that the Class B foam he used and the turnouts he wore contained PFAS or PFAS-containing  
23 materials. Blood serum testing conducted in July 2020 shows his PFAS levels are significantly  
24 elevated. Todd was diagnosed with prostate cancer and is currently being treated.

25 15. Gary Weekley was in the fire service for 30 years, 27 of which were in the City of San  
26 Jose Fire Department. He worked as a firefighter, fire engineer, fire captain, and battalion chief,  
27 spending many years working at SJFD’s busiest engine Fire Station 8, serving the Naglee Park  
28 district of San Jose, as well as Station 5 in San Jose’s industrial area. Gary’s firefighter training

1 included incident command; fire suppression for structures, vehicles and grassland (including use  
2 and application of foam); search and rescue; ventilation operations; salvage and overhaul; and  
3 emergency medical training. He also received specialized training in high-rise fire ground command,  
4 low-angle rope rescue operations, and fire administration. As a battalion chief, Gary was in charge  
5 of supervision, administration and large emergency incidents, and training for six stations. He also  
6 worked as both the training and ARFF program manager, as well as at a station that specialized in  
7 hazardous materials calls. Gary volunteered for 15 years with the Valley Medical Center Burn Center  
8 Foundation to raise money for the local burn unit. He spent one week each summer at a summer  
9 camp for children burn survivors - something he considers to be one of his most privileged and  
10 fulfilling memories. In the course of firefighting training and fire suppression activities, Gary  
11 routinely used Class B foam and wore turnouts that, unbeknownst to him contained PFAS or PFAS-  
12 containing materials. He was unaware that the Class B foam he used and the turnouts he wore  
13 contained PFAS or PFAS-containing materials. Blood serum testing conducted in July 2020 shows  
14 his PFAS levels are significantly elevated. He has been diagnosed with and has been treated for  
15 prostate cancer.

16 16. Kevin Bebee has been in the fire service for 24 years in the Santa Clara, Contra Costa  
17 County and Gilroy Fire Departments, working as a volunteer firefighter, firefighter, and is currently  
18 a fire engineer serving the Gilroy community at the Chestnut Station. Kevin's firefighter training  
19 included incident command; fire suppression for structures, vehicles and grassland (including use  
20 and application of foam); search and rescue; ventilation operations; salvage and overhaul; and  
21 emergency medical training. Kevin has also received specialized training in low-angle rope rescue.  
22 In 2019, Kevin was volunteering at the first aid station at the Gilroy Garlic Festival when a mass  
23 shooter opened fire on the crowd. He was assigned to be the triage, treatment, and transport officer  
24 in which he was responsible for triaging victims and arranging for medical treatment before being  
25 transported to the hospital. For his bravery and service, he was honored with a Medal of Valor from  
26 the State of California EMSA. In the course of firefighting training and fire suppression activities,  
27 Kevin routinely uses and has routinely used Class B foam and wore turnouts that, unbeknownst to  
28 him contained PFAS or PFAS-containing materials. He was unaware that the Class B foam he used

1 and the turnouts he wore contained PFAS or PFAS-containing materials. Blood serum testing  
2 conducted in July 2020 shows his PFAS levels are significantly elevated. Kevin has been diagnosed  
3 with and treated for testicular cancer.

4 17. Dan Stapp was in the fire service for 31 years in the City of Pacifica and San Jose Fire  
5 Departments and worked as a firefighter, fire engineer and fire captain. As fire captain, Dan spent  
6 many years at Fire Station 4 protecting the Burbank district of San Jose. Dan's firefighter training  
7 included incident command; fire suppression for structures, vehicles and grassland (including use  
8 and application of foam); search and rescue; ventilation operations; salvage and overhaul; and  
9 emergency medical training. He also received specialized training in high-rise fires, and low-angle  
10 rope rescue operations. Dan earned a Medal of Valor and the Firefighter of the Year for the rescue  
11 of a baby trapped in a burning second story bedroom which required searching for the baby without  
12 the protection of a hose line, and then descending the ladder with the uninjured baby in his arms.  
13 Dan also delivered four babies during his career. In the course of firefighting training and fire  
14 suppression activities, he routinely used Class B foam and wore turnouts that, unbeknownst to him  
15 contained PFAS or PFAS-containing materials. He was unaware that the Class B foam he used and  
16 the turnouts he wore contained PFAS or PFAS-containing materials. Blood serum testing conducted  
17 in July 2020 shows his PFAS levels are significantly elevated. Dan has been diagnosed with and  
18 treated for prostate cancer and tumors in his lymph nodes.

19 18. Bob Bacon worked as a firefighter for over 28 years in the City of San Jose Fire  
20 Department, primarily serving at SJFD Fire Station 20, at the Norman Y. Mineta San Jose  
21 International Airport. Bob's firefighter training included incident command; fire suppression for  
22 structures, vehicles and grassland (including use and application of foam); search and rescue;  
23 ventilation operations; salvage and overhaul; and emergency medical training. He also received  
24 specialized training in ARFF. One of the most significant moments in Bob's career was when he  
25 responded to a medical emergency at the airport for a man who was in full cardiac arrest. Bob  
26 successfully resuscitated him; the man later visited the station to thank Bob for saving his life. He  
27 also delivered one baby during his career. In the course of firefighting training and fire suppression  
28 activities, Bob routinely used Class B foam and wore turnouts that, unbeknownst to him contained

1 PFAS or PFAS-containing materials. He was unaware that the Class B foam he used and the turnouts  
2 he wore contained PFAS or PFAS-containing materials. Blood serum testing conducted in July 2020  
3 show his PFAS levels are significantly elevated. Bob has been diagnosed with and treated for  
4 prostate cancer.

5 19. John Castro worked for nearly 30 years in the City of San Jose Fire Department,  
6 working his way through the ranks from firefighter, fire engineer, and fire inspector to fire captain,  
7 spending many years working at SJFD Fire Station 6, serving the Willow Glen district of San Jose.  
8 John's firefighter training included incident command; fire suppression for structures, vehicles and  
9 grassland (including use and application of foam); search and rescue; ventilation operations; salvage  
10 and overhaul; and emergency medical training. He received specialized training in high-rise fires,  
11 and low-angle rope rescue operations, and has delivered three babies over his career. He has fought  
12 many fires, but one stands out for him: he and his crew extinguished a residential structure fire in  
13 south San Jose, and during the course of the fire fight, John was able to locate and rescue the family's  
14 dog, which had been burned and was struggling to breath, and was successfully able to resuscitate  
15 and save the family's beloved pet. For 18 years, John was on the organizing committee for the  
16 Firefighter Chili Cook-Off which raised over \$2 million for the Santa Clara Valley Medical Burn  
17 Center. In the course of firefighting training and fire suppression activities, John routinely used  
18 Class B foam and wore turnouts that, unbeknownst to him contained PFAS or PFAS-containing  
19 materials. He was unaware that the Class B foam he used and the turnouts he wore contained PFAS  
20 or PFAS-containing materials. Blood serum testing conducted in July 2020 show his PFAS levels  
21 are significantly elevated. John has been diagnosed and treated for Chronic Lymphocytic Leukemia  
22 and kidney cancer.

23 20. Luis Chacon worked as a firefighter for over 25 years in the City of San Jose Fire  
24 Department, primarily SJFD Fire Station 1 ("The Market Street Zoo") one of the busiest fire stations  
25 in the United States. Luis' firefighter training included incident command; fire suppression for  
26 structures, vehicles and grassland (including use and application of foam); search and rescue;  
27 ventilation operations; salvage and overhaul; and emergency medical training. He received  
28 specialized training in high-rise fires, and low-angle rope rescue operations. Luis earned two Medals



1 of Valor for rescuing two adults trapped in a burning house, and for his work on a mutual-aid strike  
2 team for the Lick Fire, where he was on the fire line for six days and saved dozens of family homes  
3 and businesses. Luis also has delivered one baby during his career. In the course of firefighting  
4 training and fire suppression activities, Luis routinely used Class B foam and wore turnouts that,  
5 unbeknownst to him contained PFAS or PFAS-containing materials. He was unaware that the Class  
6 B foam he used and the turnouts he wore contained PFAS or PFAS-containing materials. Blood  
7 serum testing conducted in July 2020 show his PFAS levels are significantly elevated. Luis has been  
8 diagnosed with and treated for prostate cancer.

9 21. Frank Diaz worked as a firefighter for 34 years in the City of Mountain View and the  
10 City of San Jose Fire Departments with the majority of his career at SJFD Fire Station 3, serving the  
11 Alma district of San Jose. Frank's firefighter training included incident command; fire suppression  
12 for structures, vehicles and grassland (including use and application of foam); search and rescue;  
13 ventilation operations; salvage and overhaul; and emergency medical training. He also received  
14 specialized training in high-rise fires, and low-angle rope rescue operations. In his long career, one  
15 of Frank's most memorable moments was responding to a medical call for an unresponsive middle-  
16 aged man who, when Frank arrived at the scene, had stopped breathing. Frank provided emergency  
17 life support and saved the man's life. At the other end of life's spectrum, Frank also has delivered  
18 two babies during his career. In the course of firefighting training and fire suppression activities,  
19 Frank routinely used Class B foam and wore turnouts that, unbeknownst to him contained PFAS or  
20 PFAS-containing materials. He was unaware that the Class B foam he used and the turnouts he wore  
21 contained PFAS or PFAS-containing materials. Blood serum testing conducted in July 2020 show  
22 his PFAS levels are significantly elevated. Frank has been diagnosed with and treated for prostate  
23 cancer.

24 22. Felix Diaz worked as a firefighter for 25 years for the City of Santa Clara Fire  
25 Department at both engine and truck companies throughout the City of Santa Clara. Felix's firefighter  
26 training included incident command; fire suppression for structures, vehicles and grassland (including  
27 use and application of foam); search and rescue; ventilation operations; salvage and overhaul  
28 operations; and emergency medical training. In his long career, Felix responded to many emergencies.

1 One of Felix’s most significant moments was rescuing a man involved in a vehicle accident on US  
2 101 who, when Felix arrived at the scene, was in full traumatic arrest (no heartbeat and no respiratory  
3 activity). Though resuscitation success rates for full traumatic arrest are very low, Felix worked on  
4 the man for an hour until the man was finally resuscitated and responsive, saving the man’s life. In  
5 the course of firefighting training and fire suppression activities, Felix routinely used Class B foam  
6 and wore turnouts that, unbeknownst to him contained PFAS or PFAS-containing materials. He was  
7 unaware that the Class B foam he used and the turnouts he wore contained PFAS or PFAS-containing  
8 materials. Blood serum testing conducted in July 2020 show his PFAS levels are significantly  
9 elevated. Felix has been diagnosed with and treated for prostate cancer.

10 23. Paul Eden was in the fire service for over 32 years and spent 26 of those years in the  
11 City of San Jose Fire Department, working as a firefighter, fire engineer, fire inspector and fire  
12 captain. He spent the majority of his career working at Fire Station 26 (“The Night Train”) one of  
13 San Jose’s busiest stations serving central San Jose. Paul’s firefighter training included incident  
14 command; fire suppression for structures, vehicles and grassland (including use and application of  
15 foam); search and rescue; ventilation operations; salvage and overhaul; and emergency medical  
16 training. He also received specialized training in high-rise fire operations, and low-angle rope rescue  
17 operations. In his long career, one call stands out and involved an approximately 400 lb. man who  
18 was in cardiac arrest (no heartbeat or respiratory activity) on the roof of a commercial building. Paul  
19 had to climb a ladder with approximately 60 lbs. of EMS gear and immediately begin working on  
20 resuscitating the man. Paul performed life-saving measures, the man’s pulse returned, and Paul  
21 arranged to have the man transported on a stretcher by ladder from the roof to the ambulance. The  
22 man later visited the station to thank them for saving his life. Paul also delivered three babies during  
23 his career. In the course of firefighting training and fire suppression activities, Paul routinely used  
24 Class B foam and wore turnouts that, unbeknownst to him contained PFAS or PFAS-containing  
25 materials. He was unaware that the Class B foam he used and the turnouts he wore contained PFAS  
26 or PFAS-containing materials. Blood serum testing conducted in July 2020 show his PFAS levels  
27 are significantly elevated. Paul has been diagnosed with and treated for kidney cancer. In 2020,  
28 metastatic renal cell carcinoma tumors were found and removed from his right lung.

1           24.     John Laurent worked for 34 years in the City of San Jose Fire Department as a  
2 firefighter, fire engineer and fire captain with the majority of his career working in downtown San  
3 Jose on Engine 30. John's firefighter training included incident command; fire suppression for  
4 structures, vehicles and grassland (including use and application of foam); search and rescue;  
5 ventilation operations; salvage and overhaul; and emergency medical training. He also received  
6 specialized training in high-rise fire operations and low-angle rope rescue operations. During his  
7 firefighting career, John received a Medal of Valor for rescuing five adults living in an old Victorian  
8 era home that were trapped by fire. He also delivered one baby during his career. John has continued  
9 to serve the community by teaching CPR for adults and infants. In the course of firefighting training  
10 and fire suppression activities, John routinely used Class B foam and wore turnouts that, unbeknownst  
11 to him contained PFAS or PFAS-containing materials. He was unaware that the Class B foam he used  
12 and the turnouts he wore contained PFAS or PFAS-containing materials. Blood serum testing  
13 conducted in July 2020 show his PFAS levels are significantly elevated. John has been diagnosed  
14 with and is being treated for Myelodysplastic Syndrome, a rare blood cancer that can also be a  
15 precursor to leukemia.

16           25.     Larry Noon worked as a firefighter for 30 years in the City of San Jose Fire  
17 Department, spending many years at Fire Station 15 serving San Jose's west side neighborhoods.  
18 Larry's firefighter training included incident command; fire suppression for structures, vehicles and  
19 grassland (including use and application of foam); search and rescue; ventilation operations; salvage  
20 and overhaul; and emergency medical training. He also received specialized training in high-rise fires,  
21 and low angle rope rescue operations. One of the most significant moments in Larry's career  
22 happened when he responded to a medical emergency for a baby having seizures. At the scene, Larry  
23 found a panicked mother holding her seizing baby: Larry immediately provided medical care which  
24 stopped the seizures and comforted the baby's distressed family. He also assisted in the delivery of  
25 two babies during his career. In the course of firefighting training and fire suppression activities,  
26 Larry routinely used Class B foam and wore turnouts that, unbeknownst to him contained PFAS or  
27 PFAS-containing materials. He was unaware that the Class B foam he used and the turnouts he wore  
28 contained PFAS or PFAS-containing materials. Blood serum testing conducted in July 2020 show his

1 PFAS levels are significantly elevated. Larry has been diagnosed with and treated for bladder cancer.

2           26. Rob Piper has worked in the fire service for 35 years, with 28 of those years serving  
3 in the City of San Jose Fire Department as a firefighter, fire captain, battalion chief, and deputy chief.  
4 Rob spent many years working on SJFD Engine 26, “The Night Train.” His firefighter training  
5 included incident command; fire suppression for structures, vehicles and grassland (including use and  
6 application of foam); search and rescue; ventilation operations; salvage and overhaul; and emergency  
7 medical training. He also received specialized training in high-rise fire operations, low-angle rope  
8 rescue operations, and fire administration. Rob received the Firefighter of the Year award from the  
9 City of San Jose, a commendation for bravery from the State of California and County of Santa Clara,  
10 and a commendation for bravery from the City of San Jose for saving a fellow firefighter who fell  
11 through a floor into a burning basement during a house fire with high heat and zero visibility in San  
12 Jose’s Willow Glen district. Rob also delivered six babies during his career. In the course of  
13 firefighting training and fire suppression activities, he routinely used Class B foam and wore turnouts  
14 that, unbeknownst to him contained PFAS or PFAS-containing materials. He was unaware that the  
15 Class B foam he used and the turnouts he wore contained PFAS or PFAS-containing materials. Blood  
16 serum testing conducted in July 2020 show his PFAS levels are significantly elevated. Rob has been  
17 diagnosed with and treated for transverse colon cancer.

18           27. Steve Pizzo worked for 25 years in the City of San Jose Fire Department as a  
19 firefighter, fire engineer and fire captain, spending many years working at SJFD Fire Station 5 serving  
20 San Jose’s Japantown District. Steve’s firefighter training included incident command; fire  
21 suppression for structures, vehicles and grassland (including use and application of foam); search and  
22 rescue; ventilation operations; salvage and overhaul; and emergency medical training. He also  
23 received specialized training in ARFF, high-rise fire operations, and low-angle rope rescue  
24 operations. Steve received a commendation from SJFD Fire Chief Osby for his life-saving actions  
25 taken, while off-duty, when he assisted a severely injured motorcycle rider who had been thrown 50  
26 feet over a steep embankment, fracturing his leg and rendering him unconscious. Steve provided  
27 scene control, cervical stabilization, and constructed a make-shift splint from branches and a belt  
28 stabilizing the leg fracture, all the while providing comfort and support to the injured rider until

1 emergency responders arrived and took over patient care. Steve also delivered two babies during his  
2 career. In the course of firefighting training and fire suppression activities, he routinely used Class  
3 B foam and wore turnouts that, unbeknownst to him contained PFAS or PFAS-containing materials.  
4 He was unaware that the Class B foam he used and the turnouts he wore contained PFAS or PFAS-  
5 containing materials. Blood serum testing conducted in July 2020 show his PFAS levels are  
6 significantly elevated. Steve has been diagnosed with and treated for papillary thyroid cancer.

7 28. Moses Salas has been a CAL Fire firefighter and paramedic, and a  
8 firefighter/paramedic in the City of San Jose Fire Department for 12 years. He currently works at  
9 SJFD Fire Station 17 serving the Blossom Hill district of San Jose. Moses' firefighter training  
10 included incident command; fire suppression for structures, vehicles and grassland (including use and  
11 application of foam); search and rescue; ventilation operations; salvage and overhaul; emergency  
12 medical training; advanced cardiac life support; and pediatric advanced life support. One of Moses's  
13 most memorable calls was a medical emergency for an unresponsive father of two girls. When he  
14 arrived, the girls said their father was dead. Moses assessed the man for cardiac arrhythmia and treated  
15 him with electrical defibrillation to return his heartrate to a normal heat beat and then gave him  
16 advanced life support. The man responded and survived this harrowing event. Moses has also  
17 delivered one baby during his career. In the course of firefighting training and fire suppression  
18 activities, he routinely used Class B foam and wore turnouts that, unbeknownst to him, contained  
19 PFAS or PFAS-containing materials. He was unaware that the Class B foam he used and the turnouts  
20 he wore contained PFAS or PFAS-containing materials. Blood serum testing conducted in July 2020  
21 show his PFAS levels are significantly elevated. Moses has been diagnosed with and treated for  
22 testicular cancer.

23 29. Mike Sanchez was in the fire service for over 25 years in the City of San Jose Fire  
24 Department, working as a firefighter, fire engineer, and fire inspector. He spent many years working  
25 at SJFD Fire Station 14 serving San Jose's Westgate district. His firefighter training included incident  
26 command; fire suppression for structures, vehicles and grassland (including use and application of  
27 foam); search and rescue; ventilation operations; salvage and overhaul; and emergency medical  
28 training. Mike also received specialized training in high-rise fires, and low-angle rope rescue

1 operations. Mike was recognized by the San Jose Rotary Club for his act of heroism, while off-duty,  
2 after he noticed a growing column of thick black smoke rising from a nearby apartment complex  
3 while driving to work. Mike followed the smoke column and discovered an apartment building on  
4 fire. He entered the burning apartment building to help the residents – including a mother and  
5 daughter unaware of the fire in their kitchen— exit the building to safety while Mike extinguished  
6 the fire. Mike also delivered two babies during his career. In the course of firefighting training and  
7 fire suppression activities, Mike routinely used Class B foam and wore turnouts that, unbeknownst  
8 to him, contained PFAS or PFAS-containing materials. He was unaware that the Class B foam he  
9 used and the turnouts he wore contained PFAS or PFAS-containing materials. Blood serum testing  
10 conducted in July 2020 show his PFAS levels are significantly elevated. Mike has been diagnosed  
11 with and treated for colon cancer.

12 30. Ed Solano worked as a firefighter and fire engineer for over 30 years in the City of  
13 San Jose Fire Department in SJFD’s Truck 9 serving the Cambrian Park district of San Jose. Ed’s  
14 firefighter training included incident command; fire suppression for structures, vehicles and grassland  
15 (including use and application of foam); search and rescue; ventilation operations; salvage and  
16 overhaul; and emergency medical training. He also received specialized training in high-rise fires  
17 and low-angle rope rescue operations. One of Ed’s most memorable calls was while working on SJFD  
18 Truck 9, when he fought a multiple alarm fire at a historical winery in south San Jose, where he and  
19 other firefighters successfully saved many historical landmarks and artifacts. In the course of  
20 firefighting training and fire suppression activities, Ed routinely used Class B foam and wore turnouts  
21 that, unbeknownst to him, contained PFAS or PFAS-containing materials. He was unaware that the  
22 Class B foam he used and the turnouts he wore contained PFAS or PFAS-containing materials. Blood  
23 serum testing conducted in July 2020 show his PFAS levels are significantly elevated. Ed has been  
24 diagnosed with and treated for prostate cancer.

25 31. Marc Stelling has been in the fire service for 32 years in the Gilroy Fire Department,  
26 serving as a volunteer firefighter, firefighter, fire engineer, and fire captain. Marc is currently working  
27 on Gilroy Engine 49 serving the Sunrise district of Gilroy. His firefighter training included incident  
28 command; fire suppression for structures, vehicles and grassland (including use and application of

1 foam); search and rescue; ventilation operations; salvage and overhaul; and emergency medical  
2 training. He also has received specialized training in low-angle rope rescue operations. As a captain,  
3 Marc goes to every single call to ensure the safety of his crew; he never sends his firefighters into  
4 dangerous situations unless he is with them. He received a commendation for his work on the Croy  
5 Fire in the Santa Cruz Mountains in which he had arrived at a small, rural housing development  
6 surrounded by a fast-approaching wildland fire and found that the pump for the 10,000-gallon water  
7 tank was broken. Though the area had been evacuated and the fire was threatening structures, Marc  
8 managed to fix the water pump under extreme weather and fire conditions and save four homes.  
9 Recently, Marc was deployed to fight fires and protect structures in the LNU Lighting Complex fires.  
10 In the course of firefighting training and fire suppression activities, Marc routinely used Class B foam  
11 and wore turnouts that, unbeknownst to him, contained PFAS or PFAS-containing materials. He was  
12 unaware that the Class B foam he used and the turnouts he wore contained PFAS or PFAS-containing  
13 materials. Blood serum testing conducted in July 2020 show his PFAS levels are significantly  
14 elevated. Marc has been diagnosed with and treated for kidney cancer.

15           32. Mike Tallerico worked as a firefighter and fire engineer for 22 years in the City of San  
16 Jose Fire Department on SJFD Engine 8 and Engine 14, serving San Jose's downtown and westside  
17 neighborhoods. Mike's firefighter training included incident command; fire suppression for  
18 structures, vehicles and grassland (including use and application of foam); search and rescue;  
19 ventilation operations; salvage and overhaul; and emergency medical training. He also received  
20 specialized training in ARFF, high-rise fires, and low-angle rope rescue operations. In his long career,  
21 one of Mike's most memorable moments was responding to a medical incident for an unresponsive  
22 man at a bank on Saratoga Ave. When Mike arrived, the man was in full cardiac arrest (no pulse and  
23 not breathing); Mike immediately began providing life support measures and the man survived. Mike  
24 also delivered three babies during his career. In the course of firefighting training and fire suppression  
25 activities, Mike routinely used Class B foam and wore turnouts that, unbeknownst to him, contained  
26 PFAS or PFAS-containing materials. He was unaware that the Class B foam he used and the turnouts  
27 he wore contained PFAS or PFAS-containing materials. Blood serum testing conducted in July 2020  
28 show his PFAS levels are significantly elevated. Mike has been diagnosed with and treated for bladder

1 cancer.

2           33. Mike Tapia worked for 27 years in the City of San Jose Fire Department as a  
3 firefighter, fire paramedic, and provisional fire engineer, spending many years working at SJFD  
4 Engine Companies 4 and 24, which serve San Jose’s Burbank and Evergreen neighborhoods. Mike’s  
5 firefighter training included incident command; fire suppression for structures, vehicles and grassland  
6 (including use and application of foam); search and rescue; ventilation operations; salvage and  
7 overhaul; and emergency medical training. He also received specialized training in advanced cardiac  
8 life support, pediatric advanced life support, high-rise fires, and low-angle rope rescue operations.  
9 Mike earned two Medals of Valor and a service award. His most significant call was a response to a  
10 medical emergency, where he rescued a child who had drowned and was unconscious. Mike  
11 performed life saving measures and the child survived. He also delivered three babies during his  
12 career. In the course of firefighting training and fire suppression activities, Mike routinely used Class  
13 B foam and wore turnouts that, unbeknownst to him, contained PFAS or PFAS-containing materials.  
14 He was unaware that the Class B foam he used and the turnouts he wore contained PFAS or PFAS-  
15 containing materials. Blood serum testing conducted in July 2020 show his PFAS levels are  
16 significantly elevated. Mike has been diagnosed with and treated for essential thrombocythemia, a  
17 rare blood cancer.

18           34. Eunico (“Nick”) Trinidad has worked as a firefighter paramedic for 13 years in the  
19 City of San Jose Fire Department. Currently, he is assigned to SJFD Truck 35 serving the Edendale  
20 district of San Jose. Nick’s firefighter training included incident command; fire suppression for  
21 structures, vehicles and grassland (including use and application of foam); search and rescue;  
22 ventilation operations; salvage and overhaul; and emergency medical training. He has also received  
23 specialized training in advance cardiac life support, pediatric advanced life support, high-rise fires,  
24 and low-angle rope rescue operations. One of Nick’s most memorable calls was for a vehicle accident  
25 involving a young woman who was trapped in a crushed automobile and had a steel rod impaled  
26 through her leg. A field surgeon was on route to the scene to amputate her leg. Working quickly  
27 with the “jaws of life”, Nick was able to free her. The woman survived and did not have to have her  
28 leg amputated. Nick also has the distinction of having delivered more than 25 babies during his career.



1 In the course of firefighting training and fire suppression activities, Nick routinely used Class B foam  
2 and wore turnouts that, unbeknownst to him, contained PFAS or PFAS-containing materials. He was  
3 unaware that the Class B foam he used and the turnouts he wore contained PFAS or PFAS-containing  
4 materials. Blood serum testing conducted in July 2020 show his PFAS levels are significantly  
5 elevated. Nick has been diagnosed with and treated for a rare salivary gland cancer.

6 35. George Vega has worked in the fire service for 32 years in the Redwood City Fire  
7 Department and the City of San Jose Fire Department as a firefighter, fire engineer, fire captain and  
8 battalion chief, with the majority of his career working at SJFD Fire Station 1 serving downtown San  
9 Jose. George's firefighter training included incident command; fire suppression for structures,  
10 vehicles and grassland (including use and application of foam); search and rescue; ventilation  
11 operations; salvage and overhaul; and emergency medical training. He also received specialized  
12 training in high-rise fire operations, low-angle rope rescue operations, and fire administration. As a  
13 battalion chief, George was responsible for 6-8 stations, as well as strategic command and tactical  
14 operations for hazmat incidents, multiple vehicle accidents, and any fires over 1-alarm, including the  
15 notorious Santana Row Fire and the Unity Church fire near St. James Park, where George  
16 commanded the 4-alarm fire responsible for 50 firefighters saving the beloved church. In the course  
17 of firefighting training and fire suppression activities, George routinely used Class B foam and wore  
18 turnouts that, unbeknownst to him, contained PFAS or PFAS-containing materials. He was unaware  
19 that the Class B foam he used and the turnouts he wore contained PFAS or PFAS-containing  
20 materials. Blood serum testing conducted in July 2020 show his PFAS levels are significantly  
21 elevated. George has been diagnosed with and is currently being treated for prostate cancer.

22 36. William ("Bruce") Staples worked in the fire service for 30 years in the City of San  
23 Jose Fire Department as a firefighter, fire engineer, fire prevention inspector, fire captain, battalion  
24 chief, deputy fire chief, assistant fire chief, and acting fire chief. Bruce spent many years working at  
25 Fire Station 13 serving the Santa Teresa district of San Jose. His firefighter training included incident  
26 command; fire suppression for structures, vehicles and grassland (including use and application of  
27 foam); search and rescue; ventilation operations; salvage and overhaul; and emergency medical  
28 training. He also received specialized training in high-rise fire operations, and fire administration.

1 Bruce's most significant contribution to the SJFD and the City of San Jose was overseeing the  
2 development and implementation of SJFD's paramedic program, which provided staffing of a cross-  
3 trained firefighter/paramedic at every engine and truck company in the City. In the course of  
4 firefighting training and fire suppression activities, Bruce routinely used Class B foam and wore  
5 turnouts that, unbeknownst to him, contained PFAS or PFAS-containing materials. He was unaware  
6 that the Class B foam he used and the turnouts he wore contained PFAS or PFAS-containing  
7 materials. Blood serum testing conducted in July 2020 show his PFAS levels are significantly  
8 elevated. Bruce has been diagnosed with and treated for kidney cancer, and is currently being treated  
9 for cancerous nodules in his lungs.

10 37. The Firefighter Plaintiffs, individually and collectively, allege that PFAS or PFAS-  
11 containing materials developed, manufactured, marketed distributed, released, sold, and/or used by  
12 Defendants in Class B foam and turnouts, as herein alleged, caused them to be exposed to PFAS  
13 and/or PFAS-containing materials. Such exposure was a substantial factor and proximate cause of  
14 the cancers, serious illnesses and bodily injuries suffered by the Firefighter Plaintiffs, as alleged  
15 herein.

16 **B. The Spouse Plaintiffs**

17 38. Bridget Tapia is the spouse of Firefighter Plaintiff Mike Tapia. Bridget and Mike were  
18 lawfully married at all times relevant to this action, and now are husband and wife.

19 39. Victoria Bebee is the spouse of Firefighter Plaintiff Kevin Bebee. Victoria and Kevin  
20 were lawfully married at all times relevant to this action, and now are husband and wife.

21 40. Kathy Piper is the spouse of Firefighter Plaintiff Rob Piper. Kathy and Rob were  
22 lawfully married at all times relevant to this action, and now are husband and wife.

23 **Defendants**

24 41. Defendant 3M Company (a/k/a Minnesota Mining and Manufacturing Company)  
25 ("3M") is a Delaware corporation that does business throughout the United States, including  
26 conducting business in California. 3M has its principal place of business in St. Paul, Minnesota. 3M  
27 developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials,  
28 and products containing PFAS in Class B foams and/or turnouts, including in California and in the

1 County of Santa Clara.

2 42. Defendant E. I. du Pont de Nemours & Co. (“DuPont”) is a Delaware corporation that  
3 does business throughout the United States, including conducting business in California. DuPont has  
4 its principal place of business in Wilmington, Delaware. DuPont developed, manufactured, marketed,  
5 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in  
6 Class B foams and/or turnouts, including in California and in the County of Santa Clara.

7 43. Defendant The Chemours Company, L.L.C. (“Chemours”) is a Delaware corporation  
8 that does business throughout the United States, including conducting business in California.  
9 Chemours has its principal place of business in Wilmington, Delaware. Chemours developed,  
10 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products  
11 containing PFAS in Class B foams and/or turnouts, including in California and in the County of Santa  
12 Clara.

13 44. Defendant Archroma U.S., Inc. (“Archroma”) is a North Carolina corporation that  
14 does business throughout the United States, including conducting business in California. Archroma  
15 has its principal place of business in Charlotte, North Carolina. Archroma developed, manufactured,  
16 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing  
17 PFAS in Class B foams and/or turnouts, including in California and in the County of Santa Clara.

18 45. Defendant Arkema, Inc. (“Arkema”) is a Pennsylvania corporation that does business  
19 throughout the United States, including conducting business in California. Arkema has its principal  
20 place of business in King of Prussia, Pennsylvania. Arkema developed, manufactured, marketed,  
21 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in  
22 Class B foams and/or turnouts, including in California and in the County of Santa Clara.

23 46. Defendant AGC Chemicals Americas, Inc. (“AGC”) is a Delaware corporation that  
24 does business throughout the United States, including conducting business in California. AGC has its  
25 principal place of business in Exton, Pennsylvania. AGC developed, manufactured, marketed,  
26 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in  
27 Class B foams and/or turnouts, including in California and in the County of Santa Clara.

28 47. Defendant Daikin America, Inc. (“Daikin America”) is a Delaware corporation that

1 does business throughout the United States, including conducting business in California. Daikin  
2 America has its principal place of business in Orangeburg, New York. Daikin America developed,  
3 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products  
4 containing PFAS in Class B foams and/or turnouts, including in California and in the County of Santa  
5 Clara.

6 48. Defendant Solvay Specialty Polymers, USA, L.L.C. (“Solvay”) is a Delaware  
7 corporation that does business throughout the United States, including conducting business in  
8 California. Solvay has its principal place of business in Alpharetta, Georgia. Solvay developed,  
9 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products  
10 containing PFAS in Class B foams and/or turnouts, including in California and in the County of Santa  
11 Clara.

12 49. Defendant Dynax Corporation (“Dynax”) is a New York corporation that does  
13 business throughout the United States, including conducting business in California. Dynax has its  
14 principal place of business in Pound Ridge, New York. Dynax developed, manufactured, marketed,  
15 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in  
16 Class B foams and/or turnouts, including in California and in the County of Santa Clara.

17 50. Defendant Johnson Controls, Inc. (“Johnson Controls”) is a Delaware corporation that  
18 does business throughout the United States, including conducting business in California. Johnson  
19 Controls has its principal place of business in Milwaukee, Wisconsin. Johnson Controls is the parent  
20 of Defendants Tyco Fire Products, LP and Chemguard, Inc. Johnson Controls developed,  
21 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products  
22 containing PFAS in Class B foams and/or turnouts, including in California and in the County of Santa  
23 Clara.

24 51. Defendant Tyco Fire Products, L.P. (“Tyco”) is a Delaware corporation that does  
25 business throughout the United States, including conducting business in California. Tyco has its  
26 principal place of business in Exeter, New Hampshire. Tyco developed, manufactured, marketed,  
27 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in  
28 Class B foams and/or turnouts, including in California and in the County of Santa Clara.

1           52. Defendant Chemguard, Inc. (“Chemguard”) is a Wisconsin corporation that does  
2 business throughout the United States, including conducting business in California. Chemguard has  
3 its principal place of business in Marinette, Wisconsin. Chemguard developed, manufactured,  
4 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing  
5 PFAS in Class B foams and/or turnouts, including in California and in the County of Santa Clara.

6           53. Defendant National Foam, Inc., (“National Foam”) is a Pennsylvania corporation that  
7 does business throughout the United States, including conducting business in California. National  
8 Foam has its principal place of business in West Chester, Pennsylvania. National Foam developed,  
9 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products  
10 containing PFAS in Class B foams and/or turnouts, including in California and in the County of Santa  
11 Clara.

12           54. Defendant Carrier Global Corporation (“Carrier”) is a Delaware corporation that does  
13 business throughout the United States, including conducting business in California. Carrier has its  
14 principal place of business in Palm Beach Gardens, Florida. Carrier is the parent of Defendant Kidde-  
15 Fenwal, Inc. Carrier developed, manufactured, marketed, distributed, released, sold, and/or used  
16 PFAS, PFAS materials, and products containing PFAS in Class B foams and/or turnouts, including  
17 in California and in the County of Santa Clara.

18           55. Defendant Kidde-Fenwal, Inc. (“Kidde-Fenwal”) is a Delaware corporation that does  
19 business throughout the United States, including conducting business in California. Kidde-Fenwal  
20 has its principal place of business in Ashland, Massachusetts. Kidde-Fenwal developed,  
21 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products  
22 containing PFAS in Class B foams and/or turnouts, including in California and in the County of Santa  
23 Clara.

24           56. Defendant Kidde Fire Fighting Inc., (“Kidde”) is a Pennsylvania corporation that does  
25 business throughout the United States, including conducting business in California. Kidde has its  
26 principal place of business in Exton, Pennsylvania. Kidde developed, manufactured, marketed,  
27 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in  
28 Class B foams and/or turnouts, including in California and in the County of Santa Clara.

1           57. Defendant Perimeter Solutions, LP, (“Perimeter Solutions”) is a Delaware corporation  
2 that does business throughout the United States, including conducting business in California.  
3 Perimeter Solutions has a principal place of business in Rancho Cucamonga, California. Perimeter  
4 developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials,  
5 and products containing PFAS in Class B foams and/or turnouts, including in California and in the  
6 County of Santa Clara.

7           58. Defendant Fire Service Plus, Inc. (“Fire Service Plus”) is a Georgia corporation that  
8 does business throughout the United States, including conducting business in California. Fire Service  
9 Plus has its principal place of business in Simi Valley, California. Fire Service Plus developed,  
10 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products  
11 containing PFAS in Class B foams and/or turnouts, including in California and in the County of Santa  
12 Clara.

13           59. Defendant Buckeye Fire Equipment (“Buckeye”) is a North Carolina corporation that  
14 does business throughout the United States, including conducting business in California. Buckeye  
15 has its principal place of business in Kings Mountain, North Carolina. Buckeye developed,  
16 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products  
17 containing PFAS in Class B foams and/or turnouts, including in California and in the County of Santa  
18 Clara.

19           60. Defendant Amerex Corporation, also known as Alabama Amerex Corporation,  
20 (“Amerex”) is an Alabama corporation that does business throughout the United States, including  
21 conducting business in California. Amerex has its principal place of business in Trussville, Alabama.  
22 Amerex developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS  
23 materials, and products containing PFAS in Class B foams and/or turnouts, including in California  
24 and in the County of Santa Clara.

25           61. Defendant MSA Safety, Inc., (“MSA”) is a Pennsylvania corporation that does  
26 business throughout the United States, including conducting business in California. MSA has its  
27 principal place of business in Cranberry Township, Pennsylvania. MSA acquired Globe Holding  
28 Company, LLC and its subsidiaries (collectively, “Globe”) in 2017 and continues to do business

1 under the Globe name. MSA developed, manufactured, marketed, distributed, released, sold, and/or  
2 used PFAS, PFAS materials, and products containing PFAS in Class B foams and/or turnouts,  
3 including in California and in the County of Santa Clara.

4 62. Defendant Lion Group, Inc., (“Lion”) is an Ohio corporation that does business  
5 throughout the United States, including conducting business in California. Lion has its principal place  
6 of business in Dayton, Ohio. Lion developed, manufactured, marketed, distributed, released, sold,  
7 and/or used PFAS, PFAS materials, and products containing PFAS in Class B foams and/or turnouts,  
8 including in California and in the County of Santa Clara.

9 63. Defendant W. L. Gore & Associates, Inc., (“Gore”) is a Delaware corporation that  
10 does business throughout the United States, including conducting business in California. Gore has its  
11 principal place of business in Newark, Delaware. Gore developed, manufactured, marketed,  
12 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in  
13 Class B foams and/or turnouts, including in California and in the County of Santa Clara.

14 64. Defendant Royal Ten Cate US, Inc. (“Tencate”) is a Delaware corporation that does  
15 business throughout the United States, including conducting business in California. Tencate has its  
16 principal place of business in Pendergrass, Georgia. Tencate developed, manufactured, marketed,  
17 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in  
18 Class B foams and/or turnouts, including in California and in the County of Santa Clara.

19 65. Defendant PBI Performance Products, Inc., (“PBI”) is a Delaware corporation that  
20 does business throughout the United States, including conducting business in California. PBI has its  
21 principal place of business in Charlotte, North Carolina. PBI developed, manufactured, marketed,  
22 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in  
23 Class B foams and/or turnouts, including in California and in the County of Santa Clara.

24 66. Defendant L.N. Curtis & Sons (“LN Curtis”) is a California corporation that does  
25 business in California. LN Curtis has its principal place of business is Walnut Creek, California. LN  
26 Curtis developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS  
27 materials, and products containing PFAS in Class B foams and/or turnouts, including in California  
28 and in the County of Santa Clara.

1           67. Defendant AllStar Fire Equipment (“AllStar”) is a California corporation that does  
2 business in California. AllStar has its principal place of business in Arcadia, California. AllStar  
3 developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials,  
4 and products containing PFAS in Class B foams and/or turnouts, including in California and in the  
5 County of Santa Clara.

6           68. Plaintiffs are currently unaware of the true names and capacities of Defendants named  
7 herein as DOES 1 through 25, inclusive, and Plaintiffs therefore sue those Defendants by fictitious  
8 names pursuant to California Code of Civil Procedure § 474. Plaintiffs will amend this complaint to  
9 state the true names and capacities of those Defendants sued herein as DOES when ascertained.  
10 Plaintiffs allege that each fictitiously named Defendant is in some manner responsible for the acts  
11 alleged herein and that they proximately caused the injuries to Plaintiffs as alleged herein.

12           69. Defendants DOES 1 through 25 are subsidiaries, partners, or other entities that were  
13 involved in the design, development, manufacture, testing, packaging, promotion, marketing,  
14 advertising, distribution, labeling, and/or sale of PFAS, PFAS materials, and products containing  
15 PFAS in the Class B foam and/or turnouts that Firefighter Plaintiffs used, as alleged herein.

16           70. Plaintiffs allege that each named Defendant is in some manner responsible for the acts  
17 alleged herein and that they proximately caused the injuries to Plaintiffs, as alleged herein.

18           71. Plaintiffs allege that each named Defendant derived substantial revenue from the  
19 PFAS, PFAS materials, and products containing PFAS in Class B foams and/or turnouts that  
20 Defendants designed, developed, manufactured, tested, packaged, promoted, marketed, advertised,  
21 distributed, labeled and/or sold within California, and that were used by Firefighter Plaintiffs herein  
22 within Santa Clara County, California.

23           72. Defendants expected or should have expected their acts to have consequences within  
24 the State of California, and derived substantial revenue from interstate commerce.

25           73. Defendants purposefully availed themselves of the privilege of conducting activities  
26 within the State of California, thus invoking the benefits and protections of its laws.

27                                   **JURISDICTION AND VENUE**

28           74. This Court has jurisdiction over this action under California Code of Civil Procedure



1 § 410.10 and Article VI, § 10 of the California Constitution. The injuries and damages alleged herein  
2 are in an amount within the jurisdiction of this Court.

3 75. The Firefighter Plaintiffs' exposure and Plaintiffs' injuries, resulting from the acts of  
4 Defendants alleged herein, occurred in Santa Clara County, California. Venue is proper is this Court  
5 under California Code of Civil Procedure § 395(a).

6 **SUBSTANTIVE ALLEGATIONS**

7 **A. The Firefighters Plaintiffs' Use of and Exposure to PFAS-Containing Products**

8 76. The Firefighter Plaintiffs are 24 firefighters who have served the San Jose, Santa Clara  
9 and Gilroy communities and worked in various fire stations and engine companies in the County of  
10 Santa Clara for decades.<sup>4</sup>

11 77. As first responders to fire, hazardous materials incidents, and other emergency and  
12 medical calls, the Firefighter Plaintiffs risk their lives on a daily basis. They not only save lives and  
13 homes, they provide emergency services and medical care, perform rescues, and offer support to  
14 people in traumatic circumstances. To prepare them for this enormously challenging work, the  
15 Firefighter Plaintiffs receive extensive and ongoing training in fire suppression (including the  
16 preparation and use of Class B foam), fire prevention, rescue, and emergency medical care action to  
17 protect and/or minimize the loss of life, property, and damage to the environment.

18 78. The City of San Jose Fire Department protects over one million residents and 200  
19 square miles in the third largest city in California and the tenth largest city in the nation. The SJFD  
20 is also the emergency service provider for many high-hazard occupancies, including the Norman Y.  
21 Mineta San Jose International Airport; a municipal airport; 7 major hospitals (including 3 trauma  
22 centers, and 7 emergency departments); the SAP Center, and home to the NHL San Jose Sharks; San  
23 Jose State University (which has a student population of 31,906); three regional super malls; and over  
24 516 high-rise structures.<sup>5</sup> In 2017-2018, the SJFD responded to 94,500 calls.

25 79. The City of Santa Clara Fire Department ("SCFD") serves 175,000 residents, and  
26

27 <sup>4</sup> Three of these firefighters' spouses, referred to collectively herein as Spouse Plaintiffs,  
28 independently assert claims for loss of consortium as detailed more fully at ¶¶ 247-252, below.

<sup>5</sup> San Jose Fire Department Website, (last visited September 7, 2020), <https://sjff.org/sjfd>.

1 responds to over 9,000 calls a year, protecting a wide array of occupancies including Silicon Valley  
2 businesses, Levi’s Stadium, Santa Clara University, Mission College, the Santa Clara Convention  
3 Center, Westfield Valley Fair Mall, and several high-rise hotels, as well as being at the intersection  
4 of several main freeways. The SCFD also provides mutual aid response annually for local and  
5 regional wildfires across California by staffing three fire engines designated for this response.

6 80. The City of Gilroy Fire Department (“GFD”) serves a tight-knit community of 55,000  
7 people and responds to over 5,500 calls a year with just 35 full-time firefighters.

8 81. For decades, Defendants, either individually or through their predecessors or  
9 subsidiaries, have manufactured, designed, sold, supplied, and distributed chemical feedstock and/or  
10 Class B foam and turnouts containing PFAS to firefighting training facilities and fire departments  
11 globally, including within the State of California and the cities of San Jose, Santa Clara and Gilroy,  
12 California.

13 82. With over 5,000 individual chemicals, PFAS is a large and ever-growing category of  
14 human-made chemicals, consisting of a nearly indestructible chain of carbon and fluorine atoms that  
15 are widely used in products to, *inter alia*, resist and repel oil, heat and water, and have been found to  
16 have negative health effects. As detailed below, these toxic chemicals are present in Class B foam  
17 and firefighter turnouts.

18 (1) **PFAS-Containing Class B Foam**

19 83. Class B foam is one of the primary tools used by firefighters for fire suppression and  
20 is particularly effective for extinguishing fires involving oil and/or chemicals common at  
21 transportation accidents, aircraft accidents, chemical spills, and Hazmat incidents. Class B foam is  
22 also used in structural or other types of non-chemical fires when water cannot penetrate deeply  
23 enough to ensure that unseen fire is extinguished. The most common Class B foam is aqueous film-  
24 forming foam (“AFFF”). AFFF and other Class B foams contain PFAS.

25 84. To use Class B foam, a Class B foam concentrate must first be mixed with water.

26 85. Class B foam concentrate is typically sold in five-gallon containers that a fire  
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1 engineer<sup>6</sup> is responsible for storing on the engine and/or pouring into the bladder of engine. To mix  
2 the foam concentrate and water in an engine that is not pre-plumbed, an eductor must be placed in  
3 the foam concentrate to draw up the concentrate and mix it with water to create a thick, white, foamy  
4 substance. The fire engineer is responsible for this process of preparing the foam and for cleaning the  
5 equipment (bladders, hoses, nozzles, etc.) after use.

6 86. The process of mixing Class B foam, plumbing and preparing it, and cleaning the  
7 equipment after foam use causes exposure to PFAS through skin contact, inhalation, or ingestion  
8 (e.g., hand-to-mouth contact). The Class B foam containers used by the Firefighter Plaintiffs and their  
9 fire departments to mix and prepare the Class B foam for use did not say that the foam contains PFAS,  
10 and did not warn the Firefighter Plaintiffs of the serious health risks associated with exposure to  
11 PFAS.

12 87. Class B foam is used in fire extinguishment in a manner typical of routine methods of  
13 fire extinguishment—by being sprayed through a fire hose.

14 88. The techniques used for “laying a blanket” of Class B foam in fire extinguishment  
15 include: banking the foam off a wall or vertical surface to agitate the foam before it covers the fire;  
16 or applying it to the ground surface where the fire is burning. In structure fires, it can also be necessary  
17 to spray the ceilings, walls and floors. Reapplication of foam is often necessary because the foam  
18 blanket will break down over time.

19 89. These techniques are used routinely in firefighting training as well as in real-world  
20 fire extinguishment, and result in firefighters being sprayed or entirely soaked with Class B foam,  
21 walking in and through Class B foam (which can reach thigh- or even waist-high), or kneeling in  
22 Class B foam during use – all as depicted in the exemplar photographs below. As a result, the  
23 techniques cause exposure to PFAS through skin contact, inhalation, or ingestion (e.g., hand-to-  
24 mouth contact).

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<sup>6</sup> Fire engineers are typically responsible for firefighting vehicles, such as fire engines, that transport firefighters, carry equipment and pump water at fire scenes.

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22           90.     As alleged herein, the Firefighter Plaintiffs use or used Class B foam in the ordinary  
23 course of performing their duties as it was intended to be used and in a foreseeable manner which  
24 exposed them to significant levels of PFAS.

25           91.     The Firefighter Plaintiffs did not know, and in the exercise of reasonable diligence,  
26 could not have known that the Class B foam they used in the course of performing their duties  
27 contained PFAS or PFAS-containing materials, and similarly did not know and could not have known  
28 that they routinely suffered exposure to PFAS or PFAS-containing materials in the Class B foam they

1 used in performing their duties.

2 92. These exposures to PFAS or PFAS-containing materials resulted in serious and life-  
3 threatening diseases to the Firefighter Plaintiffs, and continue to pose a significant health threat to  
4 them given the bioaccumulation, pervasiveness and persistence of PFAS.

5 (2) **PFAS-Containing Turnout Gear**

6 93. During firefighting training and when responding to fires and performing fire  
7 extinguishment, firefighters wear turnouts that provide a degree of thermal, chemical, and biological  
8 protection for a firefighter. Turnout gear components include a helmet, hood, jacket, pants, boots, and  
9 gloves. Each component is made of an outer layer, as well as several inner layers that include a  
10 moisture barrier and thermal liner to protect the firefighter from ambient heat.<sup>7</sup>

11 94. PFAS chemicals are used in turnout gear to impart heat, water, and stain resistance to  
12 the outer shell of turnout gear. Due to exposure to heat, these chemicals off-gas, break down, and  
13 degrade. During the process, firefighters are exposed to PFAS chemicals contained in turnout gear,  
14 including through skin contact/absorption or ingestion (e.g., hand-to-mouth contact).<sup>8</sup>

15 95. A June 2020 study of turnout gear by researchers at the University of Notre Dame  
16 analyzed 30 new and used turnout jackets and pants originally marketed, distributed and sold in 2008,  
17 2014, and 2017, by six turnout gear makers, including Defendants MSA (under the Globe name) and  
18 Lion, and found high levels of PFAS in turnout gear worn, used, or handled by firefighters, including  
19 the Firefighter Plaintiffs.

20 96. As alleged herein, the Firefighter Plaintiffs wear or wore turnouts in the ordinary  
21 course of performing their duties, as the turnouts were intended to be used and in a foreseeable  
22 manner, which exposed them to significant levels of PFAS.

23 97. The Firefighter Plaintiffs did not know, and in the exercise of reasonable diligence  
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25 <sup>7</sup> *What Materials Go Into Making Turnout Gear?*, Globe MSA Safety Website, (last visited  
26 September 7, 2020), <https://globe.msasafety.com/selecting-your-gear/materials>.

27 <sup>8</sup> Peaslee, Graham, *et al.*, “Another Pathway for Firefighter Exposure to Per- and Polyfluoroalkyl  
28 Substances: Firefighter Textiles, *Environmental Science & Technology Letters* 2020, 7, 8, 594-  
599 (Ecotoxicology and Public Health) (June 23, 2020) (hereinafter, “the Notre Dame Turnout  
Study”).

1 could not have known, that the turnouts they wore or used in the course of performing their duties  
2 contained PFAS or PFAS-containing materials, and similarly did not know and could not have known  
3 that they routinely suffered exposure to PFAS or PFAS-containing materials in the turnouts they wore  
4 or used in performing their duties. The turnout gear worn or used by the Firefighter Plaintiffs did not  
5 and does not contain labeling information saying that the gear contains PFAS, and similarly did not  
6 and does not warn the Firefighter Plaintiffs of the health risks associated with exposure to PFAS.

7 98. Like many fire departments across the country, the Firefighter Plaintiffs only had one  
8 set of turnouts to wear until the mid-2000s, when some were issued a second set of turnouts. For years  
9 and, indeed, throughout the majority of their careers, the Firefighter Plaintiffs took their turnouts  
10 home and cleaned them in their home washing machines – unknowingly exposing their spouses,  
11 children and home to the highly mobile and pernicious PFAS chemicals contained in and on  
12 Firefighter Plaintiffs’ turnout gear.

13 **B. The Chemical Structure of PFAS Makes Them Harmful to Human Health**

14 99. PFAS are known as “forever chemicals” because they are immune to degradation, bio-  
15 accumulate in individual organisms and humans, and increase in concentration up the food chain.<sup>9</sup>  
16 Indeed, scientists are unable to estimate an environmental half-life (i.e. the time it takes for 50% of  
17 the chemical to disappear) for PFAS.<sup>10</sup> Even worse, some PFAS chemicals degrade into different  
18 PFAS chemicals.

19 100. PFAS are nearly indestructible and are highly transportable.<sup>11</sup> PFAS exposure to  
20 humans can occur through inhalation, ingestion, or dermal contact.<sup>12</sup>

21 101. PFAS chemicals include “older” long-chain PFAS like PFOA, PFOS, and PFNA that  
22 have eight or more carbon atoms, and “newer” short-chain PFAS, like PFBA, PFBS, PFHxA, and

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24 <sup>9</sup> *Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)*, National Institute of Environmental  
Health Sciences (last visited September 7, 2020),

25 <https://www.niehs.nih.gov/health/topics/agents/pfc/index.cfm>.

26 <sup>10</sup> *Id.*

27 <sup>11</sup> *Toxicological Profile for Perfluoroalkyls, see Relevance to Public Health*, Agency for Toxic  
Substances & Disease Registry, (last visited September 7, 2020),

28 <https://www.atsdr.cdc.gov/toxprofiles/tp.asp?id=1117&tid=237>.

<sup>12</sup> *Id.* at Health Effects pg. 439-440.

1 PFHxS. The PFAS chemical industry has repeatedly asserted that short-chain PFAS are safer and  
2 bio-degrade more easily than long-chain PFAS. However, recent scientific research conducted in  
3 2020 shows that short-chain PFAS are in fact extremely persistent, highly mobile and transportable,  
4 almost impossible to remove from water, bio-accumulate in humans and the environment, and show  
5 similar toxicity as long-chain PFAS.<sup>13</sup>

6 102. To date, there is no safe, acceptable or “normal” level of PFAS in the human body.  
7 Further, the fact that PFOA, PFOS, PFHxS, PFHpA, and PFNA are often found together presents a  
8 substantial risk to human health.

9 103. PFAS exposure affects nearly every system in the body.<sup>14</sup> It has been associated with  
10 multiple and serious adverse health effects in humans including, but not limited to, cancer, liver  
11 damage, immune system and endocrine disorders, thyroid disease, ulcerative colitis, birth defects,  
12 decreased fertility, pregnancy-induced hypertension, accelerated changes in gene expression, and  
13 increases in oxidative stress which can contribute to DNA changes, tumor promotion, and other health  
14 conditions.<sup>15</sup> It has also been found to concentrate in human blood, bones and organs.<sup>16</sup>

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17 <sup>13</sup> Cheryl Hogue, *Short-chain and long-chain PFAS show similar toxicity*, *US National Toxicology*  
18 *Program says*, Chemical and Engineering News, (August 24, 2019),  
19 <https://cen.acs.org/environment/persistent-pollutants/Short-chain-long-chain-PFAS/97/i33>; David  
20 Andrews, PhD, *FDA Studies: ‘Short-Chain’ PFAS Chemicals More Toxic Than Previously*  
21 *Thought*, Environmental Working Group (March 9, 2020), <https://tinyurl.com/y3lbq7by>; Brendel,  
22 Stephan et al. *Short-chain perfluoroalkyl acids: environmental concerns and a regulatory strategy*  
23 *under REACH*, Environmental Sciences Europe, Vol. 30,1 (2018),  
24 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5834591/>; Tom Neltner, *The Elephant in the*  
25 *Room: Potential Biopersistence of Short-Chain PFAS*, Environmental Defense Fund, (February 20,  
26 2019), <http://blogs.edf.org/health/2019/02/20/potential-biopersistence-short-chain-pfas/>.

27 <sup>14</sup> Kelly Lenox, *PFAS Senate Hearing, Birnbaum’s Expert Scientific Testimony*, Environmental  
28 Factor, National Institute of Environmental Health Sciences (May 2019),  
<https://factor.niehs.nih.gov/2019/5/feature/1-feature-pfas/index.htm>.

<sup>15</sup> Koskela, A. et al., *Perfluoroalkyl substances in human bone: concentrations in bones and effects*  
25 *on bone cell differentiation*, Scientific Reports, (July 28, 2017),  
26 [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5533791/pdf/41598\\_2017\\_Article\\_7359.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5533791/pdf/41598_2017_Article_7359.pdf);  
27 *National Toxicology Program Technical Report on the Toxicology and Carcinogenesis Studies of*  
28 *Perfluorooctanoic Acid Administered in Feed to Sprague Dawley (Hsd: Sprague Dawley SD) Rats*,  
National Toxicology Program, (May 2020),  
[https://ntp.niehs.nih.gov/ntp/htdocs/lt\\_rpts/tr598\\_508.pdf](https://ntp.niehs.nih.gov/ntp/htdocs/lt_rpts/tr598_508.pdf).

<sup>16</sup> *Id.* at fn. 15 (Koskela study).



**C. Defendants Knowingly Manufactured, Developed, Marketed, Distributed, Supplied and/or Sold Toxic PFAS and/or Products Containing PFAS**

104. Defendants have each marketed, developed, distributed, sold, promoted, manufactured, released, or otherwise used PFAS chemicals in products, including in PFAS-containing Class B foam and turnout gear, throughout the United States and in California.

105. PFAS were first developed in the 1930s and 1940s. Soon after, 3M began manufacturing a PFAS material called perfluorooctanoic acid (“PFOA”), selling it to other companies, including DuPont.

106. By the 1950s, PFAS were widely used in large-scale manufacturing. Prior to this, PFAS had never been detected in nor were present in human blood or bodies.

107. In the 1960s, Class B foam containing PFAS entered the global market and became the primary firefighting foam all over the world, with 3M as one of the largest manufacturers.

108. In the 1970s, Defendants National Foam and Tyco began to manufacture, market and sell Class B foam containing PFAS, followed by Defendants Chemguard and Dynax in the 1990s, and Defendant Buckeye in the 2000s.

109. Founded in 1918, Defendant MSA (under the Globe name) began manufacturing, marketing and selling turnout gear with DuPont’s NOMEX® PFAS-containing flame resistant fabric in 1966. MSA (under the Globe name) continues to manufacture, market and sell turnout gear using PFAS-containing fabrics supplied by its partners, DuPont, Gore, Tencate, and PBI.<sup>17</sup>

110. Defendant Lion began to manufacture, market and sell turnout gear in 1970. Since its founding, and continuing through to the present, Lion makes, markets and sells turnout gear using PFAS-containing fabrics, including Teflon® F-PPE-treated thermal lining material supplied by Defendant Chemours (a spin-off from Defendant DuPont), DuPont’s NOMEX® PFAS-containing flame/water/oil-resistant fabric, and moisture barrier fabrics supplied by Defendant Gore.<sup>18</sup>

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<sup>17</sup> See *Globe History*, Globe MSA Safety Website, (last visited September 7, 2020), <https://globe.msasafety.com/history>; *Turnout Gear Materials*, Globe MSA Safety Website, (last visited September 7, 2020), <https://globe.msasafety.com/materials>.

<sup>18</sup> See *Our History*, Lion Website (last visited September 7, 2020), [www.lionprotects.com/lion-history](http://www.lionprotects.com/lion-history); *Firefighter Turnouts*, Lion Website (last visited September 7, 2020), [www.lionprotects.com/lion-history](http://www.lionprotects.com/lion-history).

1           **D. Defendants Know Exposure to PFAS Causes Serious Health Impacts**

2           111. Defendants, including specifically 3M and DuPont, have long known about the serious  
3 and significant impacts to health caused by exposure to PFAS, having conducted study after study on  
4 the exposure and health effects of PFAS on animals, and in some cases, even on their own employees.  
5 The findings of these studies were discussed within the companies internally, yet were never made  
6 public or shared with any regulatory agencies. Among the findings:

- 7           a. A 1950 3M study showed that PFAS could build up in the blood of mice and  
8 that PFAS could bind to proteins in human blood suggesting that PFAS would  
9 not only remain, but also persist and accumulate in the body of the exposed  
10 individuals with each additional exposure.<sup>19</sup>
- 11           b. In 1961, a DuPont toxicologist warned that PFAS chemicals enlarge rat and  
12 rabbit livers.<sup>20</sup> A year later, these results were replicated in studies with  
13 dogs.<sup>21</sup>
- 14           c. In 1963, 3M’s technical handbook classified PFAS as toxic and advised that  
15 “due care should be exercised in handling these materials.”<sup>22</sup>
- 16           d. In 1970, a company that purchased 3M’s firefighting foam had to abandon a  
17 test of the product because all the fish died.<sup>23</sup>
- 18           e. In the 1970s, DuPont discovered that there were high concentrations of PFOA  
19 in the blood samples of factory workers at DuPont’s Washington Works  
20 site.<sup>24</sup>
- 21           f. By the end of the 1970s, studies performed by, at least 3M, indicated that  
22 PFAS materials were resistant to environmental degradation and would  
23 persist in the environment.<sup>25</sup>

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21 <sup>19</sup> Timeline - *For 50 Years, Polluters Knew PFAS Chemicals Were Dangerous But Hid Risks From*  
22 *Public*, Environmental Working Group, (2019), [https://static.ewg.org/reports/2019/pfa-](https://static.ewg.org/reports/2019/pfa-timeline/3M-DuPont-Timeline_sm.pdf)  
23 [timeline/3M-DuPont-Timeline\\_sm.pdf](https://static.ewg.org/reports/2019/pfa-timeline/3M-DuPont-Timeline_sm.pdf); see also, <https://www.ewg.org/pfastimeline/>.

24 <sup>20</sup> *Id.*

25 <sup>21</sup> Nathaniel Rich, *The Lawyer Who Became DuPont’s Worst Nightmare*, New York Times (June 6,  
26 2016), [https://www.nytimes.com/2016/01/10/magazine/the-lawyer-who-became-duponts-worst-](https://www.nytimes.com/2016/01/10/magazine/the-lawyer-who-became-duponts-worst-nightmare.html)  
27 [nightmare.html](https://www.nytimes.com/2016/01/10/magazine/the-lawyer-who-became-duponts-worst-nightmare.html).

28 <sup>22</sup> *Id.* at fn. 19.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at fn. 21.

<sup>25</sup> *PFCS: Global Contaminants: PFCs Last Forever*, Environmental Working Group, (last visited  
September 9, 2020), <https://www.ewg.org/research/pfcs-global-contaminants/pfcs-last-forever>.

- 1 g. In 1981, 3M, which still supplied PFOA to DuPont and other corporations,  
2 found that ingestion of PFOA caused birth defects in rats. 3M reported this  
3 information to DuPont. DuPont then tested the children of pregnant  
4 employees in their Teflon division and found that of seven births, two  
5 children had eye defects. Defendants reassigned the female employees, but  
6 did not inform the EPA or make this information public.<sup>26</sup>
- 7 h. In 1988, a company that purchased PFAS firefighting foam complained to  
8 3M because the product was not biodegradable as 3M represented.<sup>27</sup>  
9 Subsequently, a 3M employee wrote an internal memo that “3M should stop  
10 perpetrating the myth that these fluorochemical surfactants are biodegradable,  
11 but the company continued to sell them.”<sup>28</sup>
- 12 i. By at least the end of the 1980s, research performed by Defendants, including  
13 specifically, Defendants 3M and DuPont, manufacturing and/or using PFAS  
14 materials indicated that at least one such PFAS material, PFOA, caused  
15 testicular tumors in a chronic cancer study in rats, resulting in at least  
16 Defendant DuPont classifying such PFAS material internally as a confirmed  
17 animal carcinogen and possible human carcinogen.<sup>29</sup>
- 18 j. In the 1990s, Defendant DuPont knew that PFOA caused cancerous testicular,  
19 pancreatic and liver tumors in lab animals. One study also suggested that  
20 PFOA exposure could cause possible DNA damage.<sup>30</sup> Another study of  
21 workers found a link between PFOA exposure and prostate cancer.<sup>31</sup>
- 22 k. In response to the alarming and detrimental health impact, DuPont began to  
23 develop an alternative to PFOA and in 1993, an internal memo announced  
24 that “for the first time, we have a viable candidate” that appeared to be less  
25 toxic and showed less bioaccumulation.<sup>32</sup> DuPont decided against using this  
26 potentially safer alternative, however, because products manufactured with  
27 PFOA were worth \$1 billion in annual profit.<sup>33</sup>

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28 <sup>26</sup> *Id.* at fn. 21.

29 <sup>27</sup> *The Devil They Knew: PFAS Contamination and the Need for Corporate Accountability, Part II*,  
30 Transcript of Hearing Before the Subcommittee on Environment of the Committee on Oversight  
31 and Reform, House of Representatives (September 19, 2019),  
32 [https://docs.house.gov/meetings/GO/GO28/20190910/109902/HHRG-116-GO28-Transcript-  
33 20190910.pdf](https://docs.house.gov/meetings/GO/GO28/20190910/109902/HHRG-116-GO28-Transcript-20190910.pdf).

34 <sup>28</sup> *Id.*

35 <sup>29</sup> *Id.* at fn. 19.

36 <sup>30</sup> *Id.* at fn. 21.

37 <sup>31</sup> *Id.*

38 <sup>32</sup> *Id.*

39 <sup>33</sup> *Id.*

1           1. On June 30, 2000, 3M and DuPont met to share 3M’s “pertinent data on  
2           PFOA”. 3M informed DuPont that the half-life of PFOA was much longer  
3           than animal studies showed.<sup>34</sup>

4           112. Additionally, approximately fifty years of studies by Defendants, including by 3M and  
5           DuPont, on human exposure to PFAS found unacceptable levels of toxicity and bio-accumulation, as  
6           well as a link to increased incidence of liver damage, various cancers, and birth defects in humans  
7           exposed to PFAS.<sup>35</sup> These studies also revealed that, once in the body, PFAS has a very long half-  
8           life and that it takes years before even one-half of the chemicals begin to be eliminated from the  
9           body—assuming, of course, the body experiences no additional PFAS chemical exposure.<sup>36</sup>

10           113. In the face of these findings, and despite passage of the Toxic Substances Control Act  
11           in 1976, which requires companies that manufacture, process or distribute chemicals to immediately  
12           report to the Environmental Protection Agency (“EPA”) information that “reasonably supports the  
13           conclusion” that a chemical presents a substantial risk to health or the environment, Defendants did  
14           not inform the EPA, Plaintiffs, or the public about the health impacts resulting from exposure to  
15           PFAS.<sup>37</sup> Indeed, in at least some instances, Defendants’ own attorneys advised the companies to  
16           conceal their damaging findings on PFAS, which they did for decades.<sup>38</sup>

17           114. In 2000, 3M announced that it would cease manufacturing a specific PFAS chemical,  
18           PFOS, as well as Class B foam, on the same day the EPA announced that PFOA and PFOS, two  
19           chemicals in the PFAS family, had a “strong tendency to accumulate in human and animal tissues  
20           and could potentially pose a risk to human health and the environment over the long term.”<sup>39</sup>

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23 <sup>34</sup> Internal DuPont Memorandum, DuPont Haskell Laboratory Visit (June 30, 2000),  
<https://www.ag.state.mn.us/Office/Cases/3M/docs/PTX/PTX1721.pdf>.

24 <sup>35</sup> *Id.* at fn. 19, [https://static.ewg.org/reports/2019/pfa-timeline/3M-DuPont-Timeline\\_sm.pdf](https://static.ewg.org/reports/2019/pfa-timeline/3M-DuPont-Timeline_sm.pdf); *Id.* at  
fn. 27.

25 <sup>36</sup> *Id.*

26 <sup>37</sup> *Id.* at fn. 21.

27 <sup>38</sup> *Id.* at fn. 27.

28 <sup>39</sup> *EPA and 3M Announce Phase Out of PFOS*, Press Release, United States Environmental  
Protection Agency (May 16, 2000),

[https://archive.epa.gov/epapages/newsroom\\_archive/newsreleases/33aa946e6cb11f35852568e1005  
246b4.html](https://archive.epa.gov/epapages/newsroom_archive/newsreleases/33aa946e6cb11f35852568e1005246b4.html).

1           115.    However, 3M did not recall PFOS, its chemical feedstock, or any Class B foam that it  
2 had previously manufactured, sold, or distributed, or that was then stored at firehouses and being used  
3 by firefighters around the country. And, no other Defendant stopped manufacturing PFAS chemicals  
4 or products containing PFAS. Rather, Defendants continued to manufacture, develop, market,  
5 promote, distribute and sell PFAS chemicals and PFAS-containing products, including specifically  
6 Class B foam and PFAS-containing turnouts, and did so without any warning to firefighters or to the  
7 public concerning the fact that these foams and turnouts contained PFAS, or that they posed a serious  
8 health risk to human health. Defendants instead continued to claim their products were safe.

9           116.    By the 2000s, Defendants’ own research of its employees revealed multiple adverse  
10 health effects among workers who had been exposed to PFAS, including increased cancer incidence,  
11 hormone changes, lipid changes, and thyroid and liver impacts.<sup>40</sup>

12           117.    In 2001, a class action lawsuit was filed in West Virginia against DuPont on behalf of  
13 people whose water had been contaminated by the nearby DuPont chemical plant where PFAS  
14 chemicals were manufactured.

15           118.    Defendants continued to manufacture, market, promote, distribute, and sell PFAS and  
16 PFAS-containing products, including Class B foam and turnouts, and continued to publicly claim that  
17 these products were safe. Defendants affirmatively suppressed independent research on PFAS, and  
18 instead commissioned research and white papers to support their claims that PFAS and PFAS-  
19 containing products were safe to use, engaging consultants to further this strategy and ensure that  
20 they would continue to profit from these toxic chemicals and products.

21           119.    As one consultant wrote in pitching its services to DuPont, it was critical that the PFAS  
22 industry develop an aggressive strategy to “[discourage] governmental agencies, the plaintiffs’ bar  
23 and misguided environmental groups” and “[implement] a strategy to limit the effect of litigation and  
24 regulation on the revenue stream generated by PFOA.” The strategy was further described by  
25 consultant as follows:

26  
27 \_\_\_\_\_

28 <sup>40</sup> *Id.* at fn. 19.

1 DUPONT MUST SHAPE THE DEBATE AT ALL LEVELS. . . .The outcome of  
2 this process will result in the preparation of a multifaceted plan to take control of the  
3 ongoing risk assessment by the EPA, looming regulatory challenges, likely litigation,  
4 and almost certain medical monitoring hurdles. The primary focus of this endeavor  
5 is to strive to create the climate and conditions that will obviate, or at the very least,  
6 minimize ongoing litigation and contemplated regulation relating to PFOA. *This  
would include facilitating the publication of papers and articles dispelling the  
alleged nexus between PFOA and teratogenicity as well as other claimed harm.* We  
would also lay the foundation for creating Daubert precedent to discourage additional  
lawsuits.<sup>41</sup>

7 120. Class B foam manufacturers and distributors adopted a similarly aggressive industry  
8 campaign to evade government oversight or public attention of the risks posed by their products. At  
9 a March 2001 meeting of the National Fire Protection Association’s Technical Meeting on Foam,  
10 which included Defendant Class B foam manufacturers Tyco, Chemguard and National Foam, a 3M  
11 representative informed attendees that 3M had discontinued its Class B foam business, citing  
12 concerns about the “proven pervasiveness, persistence and toxicity” of PFOS.<sup>42</sup> Attendees also were  
13 informed of evidence that telomer-based fluorosurfactants (used by every Class B foam manufacture  
14 except 3M) degrade to PFOA and, worse, exhibit an even greater degree of pervasiveness and toxicity  
15 than PFOA.

16 121. On or about the same time, certain Defendants, including at least Tyco, DuPont,  
17 Dynax, Kidde, and Buckeye, founded and/or became members of the Fire Fighting Foam Coalition  
18 (“FFFC”) – a non-profit organization of manufacturers, distributors and suppliers of Class B foam  
19 (specifically AFFF). The FFFC’s self-described role was to be “the environmental voice for users  
20 and manufacturers of AFFF”<sup>43</sup> – one designed to ignore the health impacts of exposure to PFAS-  
21 containing Class B foams such as AFFF:

22 Not too long ago, 3M had environmental concerns about a chemical in their product  
23 and decided to withdraw from the AFFF market. Even though no other manufacturers  
24 used the questionable chemical, the withdrawal of 3M from AFFF production raised  
a red flag. As a direct result, a lot of half-truths and misinformation published by

25  
26 <sup>41</sup> Letter from P. Terrence Gaffney, Esq of The Weinberg Group to Jane Brooks, Vice President,  
Special Initiatives, DuPont de Nemours & Company, regarding PFOA (April 29, 2003).

27 <sup>42</sup> NFPA-11 Technical Committee Meeting Notes (National Fire Protection Association for  
Standards on Low-, Medium- and High-Expansion Foam) (March 14-15, 2001),  
28 <https://assets.documentcloud.org/documents/4178280/NFPA-Schedule.pdf>.

<sup>43</sup> Fire Fighting Foam Council Website (last visited September 7, 2020), <https://www.ffc.org/>.

1 some well-meaning, but misinformed, groups began to surface. One organization  
2 went so far as to label our products as "hazardous waste" and as posing an  
3 "occupational health or environmental hazard." At the same time, the Federal  
4 government was focusing its attention on the industry and needed to identify an  
5 industry representative that could provide fact-based information and serve as a focal  
6 point for dialogue. We decided, therefore, to form the FFFC in order to educate,  
7 inform and help persuade regulatory and legislative decision-makers that firefighting  
8 foams are a value-added component to any firefighting capability.<sup>44</sup>

9 122. Defendants also pivoted with a new industry strategy. Defendants continued to  
10 produce Class B foams containing PFAS and continued to publicly represent that PFAS and/or  
11 products containing PFAS were safe, while developing newer, "short-chain" PFAS alternatives.

12 123. In 2005, the EPA fined DuPont \$16.5 million for failing to submit decades of toxicity  
13 studies of PFOA (one PFAS chemical manufactured by the company).<sup>45</sup> In the face of and undeterred  
14 by the EPA's action, Defendant turnout manufacturers, such as MSA (Globe) and LION, partnered  
15 with DuPont and with Defendant Gore to develop, manufacture, market, distribute and turnouts made  
16 with DuPont's and/or Gore's PFAS-based textile coatings (e.g., Nomex® and Gore® Protective  
17 Fabrics).<sup>46</sup>

18 124. In 2006, the EPA "invited" eight PFOA manufacturers, including Defendants DuPont,  
19 3M, Arkema, Daikin and Solvay, to join in a "Global Stewardship Program" and phase out production  
20 of PFOA by 2015.<sup>47</sup>

21 125. By this time, Defendants had begun to aggressively market, distribute and short-chain

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22 <sup>44</sup> *Id.* at <https://web.archive.org/web/20020811142253/http://www.ffc.org/about.html> (captured  
23 August 11, 2002).

24 <sup>45</sup> Michael Janofsky, *DuPont to Pay \$16.5 Million for Unreported Risks*, New York Times  
25 (December 5, 2005), <https://www.nytimes.com/2005/12/15/politics/duPont-to-pay-165-million-for-unreported-risks.html>.

26 <sup>46</sup> *DuPont and LION Collaborate to Better Protect Firefighters and First Responders*, Press  
27 Release, DuPont and LION (January 30, 2013), [https://www.prweb.com/releases/duPont\\_protection\\_tech/lion\\_turnout\\_gear/prweb10362363.htm](https://www.prweb.com/releases/duPont_protection_tech/lion_turnout_gear/prweb10362363.htm);  
28 *Our Partners*, Globe Website (last visited September 7, 2020), <https://globe.msasafety.com/our-partners>; and *Firefighter & Emergency Response Protection*, DuPont Website (last visited  
September 7, 2020), <https://www.dupont.com/personal-protection/firefighter-protection.html>.

<sup>47</sup> *PFOA Stewardship Program*, United States Environmental Protection Agency (last visited  
September 7, 2020), <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-and-polyfluoroalkyl-substances-pfas#tab-3>.

1 PFAS, such as Gen X, claiming that these alternative PFAS chemicals did not pose significant health  
2 risks to humans or the environment. But, these claims, too, were false. Defendants knew that certain  
3 of these short-chain PFAS chemicals had been found in human blood, and that at least one of them  
4 produces the same types of cancerous tumors (testicular, liver, and pancreatic) in rats as had been  
5 found in long-chain PFAS studies.<sup>48</sup>

6 126. In 2011, a C8 Science Panel convened as part of a settlement in the West Virginia  
7 DuPont water contamination case described in paragraph 117, above, began releasing its findings.  
8 The Panel had analyzed the blood serum of nearly 70,000 residents living in the water contamination  
9 area for two long-chain PFAS (PFOA and PFOS), and found significant negative human health  
10 effects (including, kidney cancer, testicular cancer, ulcerative colitis, thyroid disease, high cholesterol  
11 and preeclampsia) associated with exposure to these PFAS chemicals in the area groundwater.

12 127. In 2013, DuPont entered an agreement with the EPA and ceased production and use  
13 of PFOA – just one of thousands of PFAS chemicals the company makes, promotes and sells.  
14 Defendants, however, continued manufacturing short-chain PFAS materials, chemical feedstock, and  
15 products—all the while peddling them as safer, and as more easily bio-degraded than long-chain  
16 PFAS, despite evidence to the contrary.<sup>49</sup>

17 128. In 2015, DuPont spun-off its PFAS chemicals business, as well two-thirds of its  
18 environmental liabilities and 90% of its active litigation, to Defendant Chemours. As part of the  
19 transaction, DuPont required Chemours to indemnify the “new” DuPont for all assigned  
20 environmental liabilities should a regulatory agency or plaintiff seek to hold the “new” DuPont  
21 accountable. As Chemours President Paul Kirsch testified before Congress: “DuPont designed the  
22 separation of Chemours to create a company where it could dump its liabilities to protect itself from  
23 environmental cleanup and related responsibilities.”<sup>50</sup>

24 129. In June 2018, the Agency for Toxic Substances and Disease Registry (ASTDR), a  
25 division of the Centers for Disease Control and Prevention at the US Department of Health and

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27 <sup>48</sup> Sharon Lerner, *New Teflon Toxin Causes Cancer in Lab Animals*, The Intercept (March 3, 2016),  
<https://theintercept.com/2016/03/03/new-teflon-toxin-causes-cancer-in-lab-animals/>.

28 <sup>49</sup> *Id.* at fn. 13, <http://blogs.edf.org/health/2019/02/20/potential-biopersistence-short-chain-pfas/>.

<sup>50</sup> *Id.* at fn. 27.



1 Human Services released an 852-page draft toxicology report analyzing scientific data about the most  
2 common PFAS chemical variants, finding that PFAS “are potentially more hazardous than previously  
3 known, are particularly concerning because of these compounds’ persistence in the environment and  
4 widespread prevalence—PFAS are extremely slow to biodegrade.”<sup>51</sup>

5 130. In September 2019, DuPont chief operations and engineering officer Daryl Roberts  
6 testified before Congress that the “new DuPont” (to be distinguished from the “old DuPont” which  
7 manufactured and sold PFAS for decades before being spun-off to Chemours) no longer uses or  
8 manufactures PFAS and is no longer responsible for obligations and harms resulting from over 65  
9 years of producing PFAS.<sup>52</sup> Roberts further testified that he knew nothing about “old DuPont’s”  
10 efforts to suppress research on PFAS’ toxicity as testified to by one of DuPont’s former scientists  
11 only a few days earlier.<sup>53</sup> Finally, he stated that any liabilities from “old DuPont’s” PFAS operations  
12 were now Chemours’ problem because DuPont is essentially a completely new company with no past  
13 – only a bright future of doing good in the world.<sup>54</sup>

14 **E. Defendants Failed to Warn Plaintiffs of the Dangers of Exposure to PFAS and**  
15 **Falsely Represented That Their PFAS Products Were Safe**

16 131. As alleged above, Defendants knew that PFAS are persistent, toxic, and bio-  
17 accumulating with a very long half-life. They knew that exposure to PFAS can cause serious and life-  
18 threatening diseases, including cancer.

19 132. Yet, Defendants *did not warn* Plaintiffs that PFAS and Defendants’ PFAS-containing  
20 products, including Class B foams and turnouts used by the Firefighter Plaintiffs, contained PFAS,  
21 or that exposure to PFAS in the normal and intended use of such products, causes serious bodily harm  
22 and illnesses, including cancer.

23 133. Instead, Defendants have falsely represented—and continue to falsely represent—that

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24  
25 <sup>51</sup> *A Toxic Threat: Government Must Act Now on PFAS Contamination at Military Bases*, Center  
26 for Science and Democracy (September 2018),  
[https://www.ucsusa.org/sites/default/files/attach/2018/09/a-toxic-threat-pfs-military-fact-sheet-ucs-  
27 2018.pdf](https://www.ucsusa.org/sites/default/files/attach/2018/09/a-toxic-threat-pfs-military-fact-sheet-ucs-2018.pdf).

28 <sup>52</sup> *Id.* at fn. 27.

<sup>53</sup> *Id.*

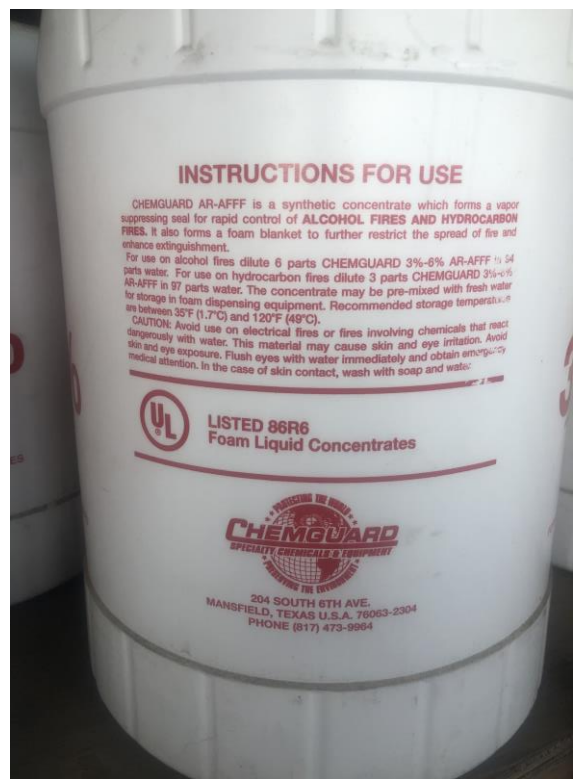
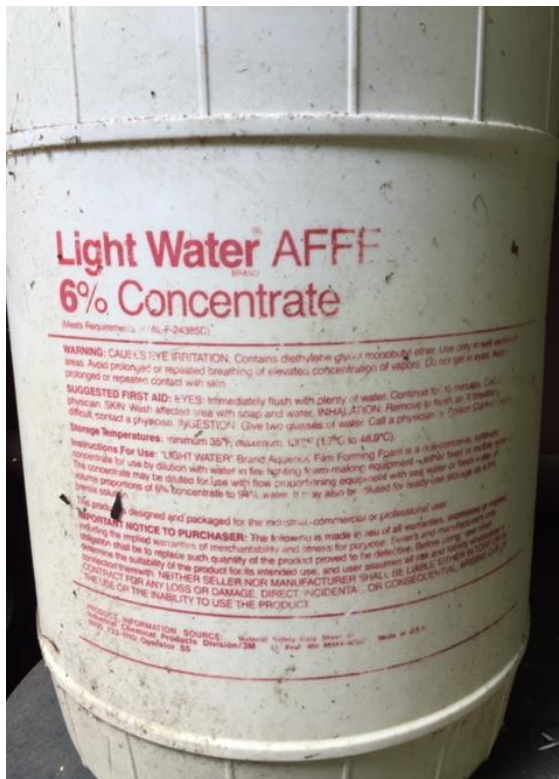
<sup>54</sup> *Id.*

1 PFAS and PFAS-containing products, including Class B foams and turnouts, are safe and not harmful  
2 to humans or the environment.

3 (1) Defendants Provide No Safety Warnings on Product Labels

4 134. Plaintiffs allege that the packaging on the PFAS-containing Class B foam containers  
5 used for mixing Class B foam with water, pumping the mixture into engines, and for spraying and  
6 laying foam blankets for fire suppression or fire suppression training, contained no warning that the  
7 Class B foam contained PFAS, or informing persons handling or using the foam as it was intended  
8 to be handled or used that such use can result in exposure to PFAS and serious bodily harm.

9 135. Below are pictures of some of the Class B foam containers manufactured, marketed,  
10 distributed, or sold by Defendants in California, and used by the Firefighter Plaintiffs in training or  
11 in fire suppression during their firefighting careers. The labels on the containers warn only of possible  
12 skin or eye irritation, and suggest rinsing areas of contact with water. They contain *no information*  
13 about the Class B foam containing PFAS or PFAS-containing materials, and provide *no warning*  
14 *whatsoever* of the human health risks and serious health conditions associated with PFAS exposure  
15 resulting from the normal and intended use of Class B foam in fire suppression or fire suppression  
16 training.

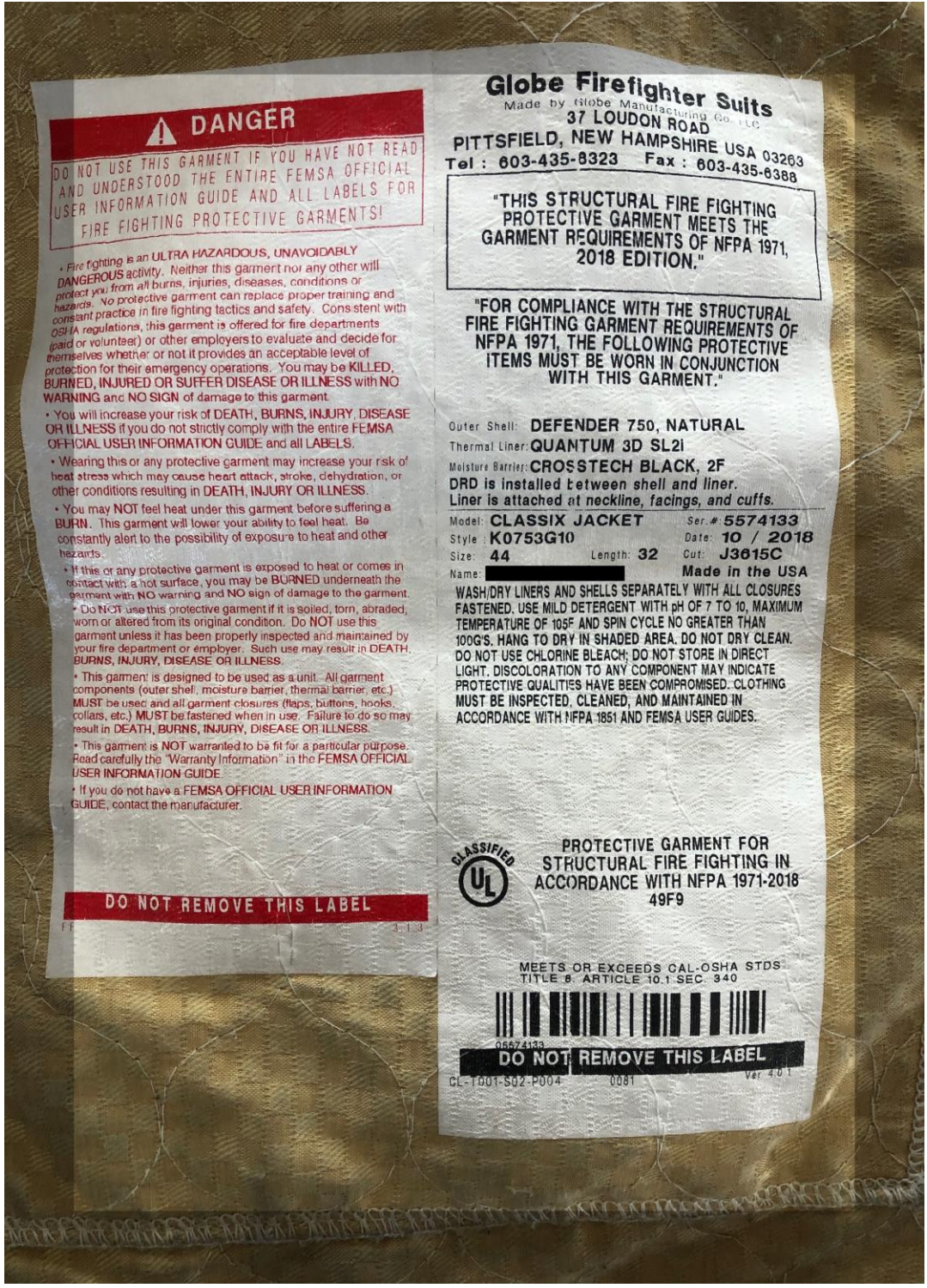


1           136. Plaintiffs further allege that turnouts containing PFAS or PFAS materials sold by  
2 Defendants into California, and used by the Firefighter Plaintiffs in training or in fire suppression  
3 during their firefighting careers, also contained no warning that the turnouts contain PFAS or PFAS  
4 materials. Nor did these labels inform persons handling, wearing, or using the turnouts as there were  
5 intended to be handled, worn or used can result in exposure to PFAS and serious bodily harm.

6           137. Below are pictures of warning labels for turnouts manufactured, marked, sold and  
7 distributed by Defendants MSA (Globe) and LION. As depicted below, the labels make no mention  
8 of PFAS, do not advise that the turnouts contain PFAS or PFAS materials, and contain no warning  
9 that handling, wearing, or using the turnouts as they were intended to be handled, worn or used can  
10 result in exposure to PFAS and serious bodily harm. Further, while the labels provide washing  
11 instructions, the instructions do not advise that turnouts should be washed in a commercial extractor  
12 to prevent cross-contamination and PFAS-exposure to family members who handle or wash the  
13 turnouts with other garments in home washing machines.

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**⚠ DANGER**  
DO NOT USE THIS GARMENT IF YOU HAVE NOT READ AND UNDERSTOOD THE ENTIRE FEMSA OFFICIAL USER INFORMATION GUIDE AND ALL LABELS FOR FIRE FIGHTING PROTECTIVE GARMENTS!

- Fire fighting is an **ULTRA HAZARDOUS, UNAVOIDABLY DANGEROUS** activity. Neither this garment nor any other will protect you from all burns, injuries, diseases, conditions or hazards. No protective garment can replace proper training and constant practice in fire fighting tactics and safety. Consistent with OSHA regulations, this garment is offered for fire departments (paid or volunteer) or other employers to evaluate and decide for themselves whether or not it provides an acceptable level of protection for their emergency operations. You may be **KILLED, BURNED, INJURED OR SUFFER DISEASE OR ILLNESS** with **NO WARNING** and **NO SIGN** of damage to this garment.
- You will increase your risk of **DEATH, BURNS, INJURY, DISEASE OR ILLNESS** if you do not strictly comply with the entire FEMSA OFFICIAL USER INFORMATION GUIDE and all LABELS.
- Wearing this or any protective garment may increase your risk of heat stress which may cause heart attack, stroke, dehydration, or other conditions resulting in **DEATH, INJURY OR ILLNESS**.
- You may **NOT** feel heat under this garment before suffering a **BURN**. This garment will lower your ability to feel heat. Be constantly alert to the possibility of exposure to heat and other hazards.
- If this or any protective garment is exposed to heat or comes in contact with a hot surface, you may be **BURNED** underneath the garment with **NO** warning and **NO** sign of damage to the garment.
- Do **NOT** use this protective garment if it is soiled, torn, abraded, worn or altered from its original condition. Do **NOT** use this garment unless it has been properly inspected and maintained by your fire department or employer. Such use may result in **DEATH, BURNS, INJURY, DISEASE OR ILLNESS**.
- This garment is designed to be used as a unit. All garment components (outer shell, moisture barrier, thermal barrier, etc.) **MUST** be used, and all garment closures (flaps, buttons, hooks, collars, etc.) **MUST** be fastened when in use. Failure to do so may result in **DEATH, BURNS, INJURY, DISEASE OR ILLNESS**.
- This garment is **NOT** warranted to be fit for a particular purpose. Read carefully the "Warranty Information" in the FEMSA OFFICIAL USER INFORMATION GUIDE.
- If you do not have a FEMSA OFFICIAL USER INFORMATION GUIDE, contact the manufacturer.

**DO NOT REMOVE THIS LABEL**

**Globe Firefighter Suits**  
Made by Globe Manufacturing Co. LLC  
37 LOUDON ROAD  
PITTSFIELD, NEW HAMPSHIRE USA 03263  
Tel : 603-435-8323 Fax : 603-435-8388

**"THIS STRUCTURAL FIRE FIGHTING PROTECTIVE GARMENT MEETS THE GARMENT REQUIREMENTS OF NFPA 1971, 2018 EDITION."**

**"FOR COMPLIANCE WITH THE STRUCTURAL FIRE FIGHTING GARMENT REQUIREMENTS OF NFPA 1971, THE FOLLOWING PROTECTIVE ITEMS MUST BE WORN IN CONJUNCTION WITH THIS GARMENT."**

Outer Shell: **DEFENDER 750, NATURAL**  
Thermal Liner: **QUANTUM 3D SL2I**  
Moisture Barrier: **CROSSTECH BLACK, 2F**  
**DRD is installed between shell and liner.**  
Liner is attached at neckline, facings, and cuffs.  
Model: **CLASSIX JACKET** Ser. # **5574133**  
Style: **K0753G10** Date: **10 / 2018**  
Size: **44** Length: **32** Cut: **J3615C**  
Name: **MADE IN THE USA**

WASH/DRY LINERS AND SHELLS SEPARATELY WITH ALL CLOSURES FASTENED. USE MILD DETERGENT WITH pH OF 7 TO 10, MAXIMUM TEMPERATURE OF 105°F AND SPIN CYCLE NO GREATER THAN 100G'S. HANG TO DRY IN SHADED AREA. DO NOT DRY CLEAN. DO NOT USE CHLORINE BLEACH; DO NOT STORE IN DIRECT LIGHT. DISCOLORATION TO ANY COMPONENT MAY INDICATE PROTECTIVE QUALITIES HAVE BEEN COMPROMISED. CLOTHING MUST BE INSPECTED, CLEANED, AND MAINTAINED IN ACCORDANCE WITH NFPA 1851 AND FEMSA USER GUIDES.

**CLASSIFIED**  
**UL**  
PROTECTIVE GARMENT FOR STRUCTURAL FIRE FIGHTING IN ACCORDANCE WITH NFPA 1971-2018 49F9

MEETS OR EXCEEDS CAL-OSHA STDS TITLE 8, ARTICLE 10.1, SEC. 940

**DO NOT REMOVE THIS LABEL**  
CL-1001-S02-P004 0081 Ver. 4.0.1

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Garment Safety Label

**⚠ DANGER** 6150

You must read and understand these warnings and instructions. Failure to follow these warnings and instructions will result in serious injury or death.

- Wear this garment ONLY FOR FIREFIGHTING ACTIVITIES.
- THIS GARMENT DOES NOT PROVIDE PROTECTION AGAINST CBRN TERRORISM AGENTS.
- Before wearing this garment, you must read and understand the User Instruction, Safety and Training Guide provided with this garment. The guide explains: 1. critical safety information and protective clothing limitations. 2. proper sizing/adjustment. 3. procedures for putting on and removing protective clothing. 4. how to clean, decontaminate, inspect and store this garment. 5. use consistent with NFPA1500. 6. limitations on useful life and retirement procedures.
- You should wear this garment only if you have been properly trained in firefighting techniques, and have knowledge of the proper selection, fit, use, care and limitations of protective clothing and equipment.
- To obtain a free user guide, write Lion @ 7200 Poe Ave., Suite 400 Dayton, OH 45414 or call 1-800-421-2926.
- This garment provides limited protection against heat and flame. Minimize exposure to heat. You may be burned without warning or without receiving damage to garment. Avoid contact with hot objects. Skin burns occur when skin reaches a temperature of 118°F. Fires burn at temperatures up to 2000°F.
- Moisture and/or compression in your garment may reduce protection.
- Exertion in hot conditions may result in heat exhaustion or poor judgment. If you feel dizziness, dehydration, loss of focus, or shortness of breath, get to a safe area, remove this garment, and seek medical attention.
- Do not use this garment if it is damaged or dirty, garments will NOT provide the intended protection. ALWAYS follow manufacturer's cleaning instructions.
- This garment has limited useful life. You must inspect regularly and retire when appropriate according to the User Instruction, Safety and Training Guide See also NFPA 1851.

DO NOT REMOVE OR WRITE ON THIS LABEL!

Garment Cleaning Label

Questions, write or call immediately:  
Lion  
7200 Poe Ave., Suite 400 Dayton, OH 45414. 1-800-421-2926

**LION**

**CLEANING AND STORAGE INSTRUCTIONS**

- Users must clean, inspect, maintain, store and alter only in accordance with the User Instruction, Safety and Training Guide.
- Never use chlorine bleach. Chlorine bleach will significantly compromise the protection afforded by textile and film materials utilized in the construction of this garment.
- For coats only, remove DRD and launder DRD by hand washing with mild detergent and warm water.
- Fasten all hooks and D-rings and turn inside out or place in a laundry bag.
- Machine wash, warm water, using only liquid detergent and if needed, liquid non-chlorine bleach. Double rinse in cool water. Never use fabric softeners.
- Never dry clean.
- Dry by hanging in open area, out of direct or indirect sunlight and fluorescent light.
- Store out of direct or indirect sunlight and fluorescent light.

THIS STRUCTURAL FIRE FIGHTING PROTECTIVE GARMENT MEETS THE GARMENT REQUIREMENTS OF NFPA1971, 2013 EDITION. PROTECTIVE GARMENT FOR STRUCTURAL FIRE FIGHTING IN ACCORDANCE WITH NFPA 1971-2013. 58F6

When worn with the inner liner and outer shell assembled together, this garment meets the personal protective equipment criteria of US Dept. of Labor OSHA Bloodborne Pathogens Standard, Title 29 CFR, Part 1910.1030, and CAL-OSHA Standard Title 8 Section 3406.

Rev.1.0 12112 DO NOT REMOVE OR WRITE ON THIS LABEL

Garment Information Label

6484

Janesville

CROSSTECH MOISTURE BARRIER (PTFE)  
GLIDE 2L ARAFLO E-89 (K) THERM.LINER  
NOMEX E-89 QUILT  
REQ-401971  
MFG DATE: 10/5/2012  
CUT:104246AA006  
MODEL:CVFM  
LINER:C2K7CVFM  
SIZE:4632R

0000652642

Garment Liner Attachment Safety Label

**⚠ WARNING**

FOR COMPLIANCE WITH THE STRUCTURAL FIRE FIGHTING GARMENT REQUIREMENTS OF NFPA 1971, THE FOLLOWING PROTECTIVE ITEMS MUST BE WORN IN CONJUNCTION WITH THIS GARMENT: OUTER SHELL 7.0 OZ MINIMUM WEIGHT

This INNER LINER alone does not provide protection against heat, flame, chemical or biological hazards. NEVER wear this INNER LINER without the SAME SIZE AND MODEL OUTER SHELL, as identified on labels located on each detachable component.

To reduce the risk of injury or death, you must assemble and wear together ALL of the following items:  
1. protective coat and pant with outer shell, attached inner liner and DRD installed in coat  
2. gloves  
3. boots  
4. helmet with eye protection  
5. protective hood  
6. SCBA  
7. PASS device  
ALWAYS make sure that all ensemble layers have the proper overlap and that all items fit with adequate looseness. Tight fit lowers insulation protection and restricts mobility.

MADE IN THE U.S.A.  
DO NOT REMOVE OR WRITE ON THIS LABEL! F1W 6151

Drag Rescue Device (DRD) Label

Aspiration Hazard  
Not an aspiration hazard.

(2) Defendants' MSDS Sheets Do Not Warn About PFAS or PFAS Exposure

138. A Material Safety Data Sheet (or "MSDS") is a document that provides health and safety information about products, substances or chemicals that are classified as hazardous substances or dangerous goods. Access to chemical information like safety data sheets is especially important for the Firefighter Plaintiffs, to provide a safe and effective response to Hazmat events.

139. The MSDS provided with Defendants' Class B foams did not – and to this day do not – state that these foams contain PFAS or PFAS-containing materials; that PFAS is persistent, toxic and bio-accumulating; or that PFAS exposure causes serious bodily harm. To the contrary, the MSDS falsely stated that the Class B foams and/or their contents were *not* known carcinogens and did not cause birth defects.

140. Even now, the MSDS do not reflect the known serious health risks and hazards

1 associated with exposure to PFAS in these Class B foams. For example, a MSDS issued on August  
2 21, 2019 by Defendant National Foam for AFFF stated the product *was not carcinogenic or toxic*.<sup>55</sup>

3 **(3) Defendants’ Misrepresentations About PFAS Continue to this Day**

4 141. Despite their decades of knowledge about PFAS and its dangers, Defendants continue  
5 to make false claims, continue to misrepresent the safety of PFAS, and continue to minimize and fail  
6 to warn about the hazards of exposure to PFAS, or Class B foams and turnouts made with or  
7 containing PFAS.

8 142. Defendants’ misinformation campaign is long-standing, and continues to this day.  
9 Some pertinent examples include:

10 a. 2017 – Defendant LION’s President, Stephen Schwartz, wrote a letter to the  
11 editor of the Columbus Dispatch, expressing outrage at the assertion in a  
12 government filing that firefighters may have been exposed to PFAS through  
13 turnout gear. Schwartz called this assertion false, stating that LION’s turn-out  
14 gear is not treated or made with PFOS or PFOA: “PFOAs and PFOSs have never  
15 been components of LION’s turn-out gear, either as a coating or as a textile.”  
16 He acknowledged that turn-out gear is treated with PTFE to provide a durable  
17 water repellant, and that the textile industry in the past had used PFOA as a  
18 processing aid to manufacture PTFE moisture barrier films and repellants. “It is  
19 possible that trace amounts may have been present as a residue when the films  
20 and finishes were incorporated into LION’s turn-out gear. ***However, based on  
all available scientific data, such nominal trace amounts, if they existed at all,  
would not have posed any health risk to firefighters. There is absolutely no  
connection at all between PFOS and firefighter turnout gear.***” (Emphasis  
added).<sup>56</sup>

21 b. 2018 – The National Fire Protection Association (which maintains committees  
22 on foams and turnouts that are comprised, in part, of certain Defendants) issued  
23 a publication listing 11 ways to minimize risk of occupational cancer – the

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24 <sup>55</sup> National Foam Safety Data Sheet for Centurion (TMC6) 6% Aqueous Film Forming Foam  
25 Concentrate (AFFF) (August 21, 2019), [https://nationalfoam.com/wp-  
content/uploads/sites/4/NMS340-Centurion-6-AFFF.pdf](https://nationalfoam.com/wp-content/uploads/sites/4/NMS340-Centurion-6-AFFF.pdf).

26 <sup>56</sup> Letter from LION president Stephen A. Schwartz to Ala D. Miller, Editor, The Columbus  
27 Dispatch (October 30, 2017), [http://files.constantcontact.com/bf8abd7a001/01f5d727-d72e-42dc-  
971b-caa9c2855800.pdf](http://files.constantcontact.com/bf8abd7a001/01f5d727-d72e-42dc-971b-caa9c2855800.pdf).

1 suggestions centered on wearing turnouts for protection resulting from  
2 combustion or spills, and cleaning turnouts after exposure to chemicals. There  
3 was not a single mention of avoiding contact with foam and/or the risks of  
wearing turnouts containing PFAS or PFAS-containing materials.<sup>57</sup>

- 4 c. 2019 – Defendant 3M Vice President, Denise Rutherford, testified before  
5 Congress that she *absolutely agreed with the statement that “the weight of  
6 current scientific evidence does not show that PFOS or PFOA cause adverse  
7 health effects in humans at current rates of exposure.”* (emphasis added)<sup>58</sup>
- 8 d. 2019 - The Fire Fighting Foam Council (of which many Defendants have been  
9 members since its inception in 2001) wrote in their newsletter that: “Short-chain  
10 (C6) fluorosurfactants do not contain or breakdown in the environment to PFOS  
11 or PFOA and are currently considered lower in toxicity and have significantly  
12 reduced bio-accumulative potential than long-chain PFAS.”<sup>59</sup>
- 13 e. 2020 - FluorCouncil – the lobbying arm of the PFAS industry – maintains that  
14 PFAS fluorotelomers that are in Class B foam and turnouts do not cause cancer,  
15 disrupt endocrine activity, negatively affect human development or reproductive  
16 systems, do not build up in the human body, and do not become concentrated in  
17 the bodies of living organisms.<sup>60</sup>
- 18 f. 2020 – The Fire Fighting Foam Council website states: “The short-chain (C6)  
19 fluorosurfactants that have been the predominant fluorochemicals used in  
20 fluorotelomer-based AFFF for the last 25 years are low in toxicity and not  
21 considered to be bio-accumulative based on current regulatory criteria.”<sup>61</sup>

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21 <sup>57</sup> *11 Best Practices for Preventing Firefighter Cancer Outlined in New Report Put Out by VCOS  
22 and NVFC*, National Fire Protection Association Xchange (August 16, 2018),  
[https://community.nfpa.org/community/nfpa-today/blog/2018/08/16/11-best-practices-for-  
23 preventing-firefighter-cancer-outlined-in-new-report-put-out-by-vcos-and-nvfc](https://community.nfpa.org/community/nfpa-today/blog/2018/08/16/11-best-practices-for-preventing-firefighter-cancer-outlined-in-new-report-put-out-by-vcos-and-nvfc).

24 <sup>58</sup> Gabe Schneider, *3M Grilled over PFAS Chemicals at Congressional Hearing*, MinnPost  
(September 11, 2019), [https://www.minnpost.com/national/2019/09/3m-grilled-over-pfas-  
25 chemicals-at-congressional-hearing/](https://www.minnpost.com/national/2019/09/3m-grilled-over-pfas-chemicals-at-congressional-hearing/).

26 <sup>59</sup> *AFFF Update Newsletter*, Fire Fighting Foam Council (April 2019),  
<https://tinyurl.com/y57c5jwx>.

27 <sup>60</sup> *An Important Update About FluoroCouncil*, FluoroCouncil, Global Industry Council for Fluoro  
Technology (last visited September 7, 2020), [https://fluorocouncil.com/important-update-about-  
28 fluorocouncil/](https://fluorocouncil.com/important-update-about-fluorocouncil/).

<sup>61</sup> *Fact Sheet on AFFF Fire Fighting Agents*, Fire Fighting Foam Council (2017),  
<https://tinyurl.com/yyxscyas>.

1 g. 2020 – The Fire Fighting Foam Council’s Best Practice Guidance for Use of  
2 Class B Foam focuses entirely on eliminating and containing foam to minimize  
3 impact on the environment. It makes no mention of how to minimize the impact  
4 on firefighters who routinely handle, prepare, spray, or use Class B foam during  
5 training or in firefighting.

6 143. As frequent sponsors and advertisers in fire service publications, Defendants have  
7 been so influential in the industry that fire service leadership have echoed these narratives.

8 144. For example, in 2017, the International Association of Fire Fighters issued a statement  
9 that both mischaracterizes and purports to state that the risks associated with exposure to PFAS and  
10 PFAS chemicals and materials in Class B foams and turnouts are minimal to non-existent. The  
11 statement even encourages firefighters to continue to use legacy Class B foams and wear turnouts,  
12 creating a false sense that these PFAS-containing foams and turnouts are safe. The statement reads,  
13 in relevant part:

14 Importantly, PFOA use has been almost completely phased out in the US....Fire  
15 fighters may have additional PFOA exposure sources such as older Class B  
16 firefighting foams. If PFOA is a combustion product of PFOA-containing consumer  
17 products made prior to phasing out use of this chemical, fire fighters will be exposed  
18 in fire suppression activities. However, the data are too limited at present to determine  
19 this. PFOA is unlikely to be a component in recently US manufactured turnout gear.  
20 However, if PFOA is a combustion product, it may be present as a contaminant on  
21 turnout gear. PFOA may also be present as a manufactured component of legacy  
22 turnout gear....The exposure contribution from any such PFOA content is likely to  
23 be minimal since volatilization from the manufactured product would be  
24 required....**At this time, IAFF does not recommend that legacy turnout gear be  
25 replaced outside of its lifecycle. Fire fighters wishing to minimize PFOA  
26 exposure should continue to wear their PPE...and regularly decontaminate  
27 their turnout gear.** IAFF will continue to monitor developments and update this  
28 fact sheet should new information become available.<sup>62</sup>

24 145. Because of these and other false claims and misrepresentations on the part of  
25 Defendants, the Firefighter Plaintiffs did not know and, in the exercise of reasonable diligence, could  
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27 <sup>62</sup> *Statement on PFOA and Turnout Gear*, International Association of Firefighters, (May 2017),  
28 <https://tinyurl.com/y29mfh69>.



1 not have known that the Class B foams and turnouts they used contained PFAS or PFAS-containing  
2 materials, and caused the Firefighter Plaintiffs to be exposed to PFAS and/or PFAS-containing  
3 materials, causing them to suffer cancers and other serious illnesses as a result of such exposure.

4 146. The Firefighter Plaintiffs only learned for the first time that they had significantly  
5 elevated levels of PFAS in their blood in July 2020, when they received test results of their blood  
6 serum.

7 **F. New Research Indicates That Firefighters are at Significant Risk of Harm From**  
8 **Exposure to PFAS in Class B Foams and Turnouts—But Defendants Continue**  
9 **to Discount or Deny These Risks**

10 147. While historical research (and follow-on litigation) has centered on environmental  
11 impacts and environmental exposures associated with PFAS and PFAS-containing products, recent  
12 studies have focused specifically on the serious health impacts to firefighters stemming from their  
13 occupational exposure to Class B foams and turnouts containing PFAS.

14 148. In October 2019, for example, an expert panel of the International Pollutants  
15 Elimination Network (IPEN), an international non-profit organization comprised of over 600 public  
16 interest non-governmental organizations dedicated to improving global chemical waste policies,  
17 published a scientific paper that, in the words of its authors, “presents unequivocal evidence from  
18 recent studies that firefighters” using Class B foams (primarily AFFF) “have unexpectedly elevated  
19 blood levels” of PFAS, including, specifically, PFHxS and PFOS, with PFHxS (a short-chain, C6  
20 PFAS) being “potentially of greater concern than PFOS given its much longer elimination half-life  
21 in humans.”<sup>63</sup> The paper explains that “[f]irefighters can be significantly exposed to PFHxS and  
22 other PFAS from firefighting foam via various occupational mechanisms including direct exposure  
23 during use as well as exposure from contaminated personal protective equipment (PPE), handling of  
24 contaminated equipment, managing PFAS foam wastes, occupation of contaminated fire stations and  
25 consumption of contaminated local water and produce. Cross-contamination and legacy PFAS

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26  
27 <sup>63</sup> *Perfluorohexane Sulfonate (PFHxS) – Socio-Economic Impact, Exposure and the Precautionary*  
28 *Principle Report*, IPEN Expert Panel (October 2019),  
[https://ipen.org/sites/default/files/documents/pfhxs\\_socio-economic\\_impact\\_final\\_oct.2019.pdf](https://ipen.org/sites/default/files/documents/pfhxs_socio-economic_impact_final_oct.2019.pdf).

1 residues from inadequately decontaminated appliances after transitioning to fluorine-free foam can  
2 remain a long-term problem.”<sup>64</sup> The panel concluded that “[o]ngoing exposure to PFHxS, PFOS and  
3 other PFAS amongst firefighters remains a major occupational health issue,” noting that “[b]io-  
4 accumulation and very slow bio-elimination may be very significant influencing factors in PFHxS  
5 exposure” in firefighters<sup>65</sup>. “Of greater concern,” the panel observed, “is that firefighter blood levels  
6 for PFOS and PFHxS are many times higher than the median values for the general...population.”<sup>66</sup>

7 149. In June 2020, scientists at the University of Notre Dame published a ground-breaking  
8 study on PFAS in turnout gear, and the exposure risks posed to firefighters that wear, wore, or handle  
9 such gear (“Notre Dame Turnout Study”). The Notre Dame Turnout Study analyzed over 30 sets of  
10 used and unused (still in their original packaging) turnout gear made by six U.S. manufacturers,  
11 including Defendants MSA (Globe) and LION, over several production years, as listed below:<sup>67</sup>

<b>PPE gear manufacturers sampled:</b>	<b># samples</b>
Globe Manufacturing (Pittsfield MA),	11
Lion Group (Dayton OH),	12
Honeywell First Responder (Dayton, OH),	2
Lakeland Fire (Decatur, AL)	2
Quest Fire Apparel (Saratoga Springs, NY)	1
Quaker Safety (Quakertown, PA)	2

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18 **The type and number of turnout gear samples used in this study.**

19  
20 150. The Notre Dame Turnout Study noted that these manufacturers’ turnout gear (or  
21 personal protective equipment-PPE, as it is described in the study) are manufactured “from textiles  
22 that are made from fluoropolymers (one form of PFAS) or extensively treated by PFAS in the form  
23

24 \_\_\_\_\_  
25 <sup>64</sup> *Id.* at p. 25.  
26 <sup>65</sup> *Id.*  
27 <sup>66</sup> *Id.*  
28 <sup>67</sup> *Id.* at fn. 8.

1 of side-chain fluoropolymers.”<sup>68</sup> According to the researchers, “[t]hese PFAS include fluoropolymer  
 2 materials such as PTFE used as a moisture barrier in the inner layers of turnout gear.”<sup>69</sup> The study  
 3 found significant levels of PFAS chemicals – including PFOA, PFOS, PFBA, PFPeA, PFHxA,  
 4 PFHpA, PFNA, PFDA, PFUnA, PFDoA, PFTTrDA, PFToDA, PFBS, PFOSA, N-EtFOSA,  
 5 MeFOSAA, N-MeFOSE, N-EtFOSE and 6:20FTS – in both new and used turnout gear, and across  
 6 layers, portions, and materials in the turnout gear, including in material layers that are not  
 7 intentionally treated with PFAS by the manufacturer, thereby providing “the first evidence that  
 8 suggests PFAS appear to migrate from the highly fluorinated layers and collect in the untreated layer  
 9 of clothing worn against the skin.”<sup>70</sup> These findings are summarized in the table below:

Table 2. Quantities of Target PFAS (in ppb) Found in US Turnout Gear by LC–MS/MS Analysis

values in ppb	jacket 2008 unused			pants 2014 used			jacket 2008 used	jacket 2017 unused
	thermal liner	moisture barrier	outer shell	thermal liner	moisture barrier	outer shell	moisture barrier	moisture barrier
PFBA	<MDL	12.8	10.6	139	615	21.5	20.5	991
PFPeA	<MDL	12.6	17.8	228	104	164	18.1	2.49
PFHxA	<MDL	30.5	36.9	199	28.6	10.9	35.8	36.9
PFHpA	<MDL	12.4	25.4	105	5.82	2.23	14.3	25.4
PFOA	78	46	182	850	71	97	37	<MDL
PFNA	2.63	<MDL	8.2	25.3	1.95	<MDL	2.76	<MDL
PFDA	2.98	6.51	5.51	133	<MDL	<MDL	23.7	<MDL
PFUnA	<MDL	<MDL	<MDL	7.96	<MDL	<MDL	2.51	<MDL
PFDoA	<MDL	5.01	<MDL	68.6	<MDL	<MDL	25.9	<MDL
PFBS	283	140	142	53 400	47 900	1050	230	90 400
PFOS	<MDL	<MDL	<MDL	7	<MDL	<MDL	2	<MDL
6:2 FTS	<MDL	<MDL	<MDL	25.9	12.9	<MDL	<MDL	<MDL
8:2 FTS	<MDL	<MDL	<MDL	11.1	<MDL	<MDL	<MDL	<MDL

20 151. “Startlingly,” researchers reported, “garment to hand transfer of total fluorine in the  
 21 ppm range was also observed when researchers simply manipulated the textiles in [the] laboratory.”<sup>71</sup>  
 22 The accumulation of PFAS on researchers’ hands strongly suggests that transference of ppm levels  
 23 of PFAS can occur merely by handling the turnouts. This finding poses a health exposure concern  
 24 not only for firefighters that rely on turnouts to protect them from heat, fire, water and chemical

26 <sup>68</sup> *Id.* at p. A.

27 <sup>69</sup> *Id.*

28 <sup>70</sup> *Id.* at p. C.

<sup>71</sup> *Id.*

1 hazards in the field, but to family members who may be exposed to the PFAS in turnouts as the result  
2 of home washing or storage.

3 152. Defendants have been quick to mischaracterize, dismiss or downplay the significance  
4 of the Notre Dame Turnout Study. Defendant MSA (Globe), when contacted about the study and  
5 asked whether Globe planned to study this issue and find an alternative to PFAS for turnouts, merely  
6 responded thusly: “[P]rotecting (firefighters) is Globe’s business; every piece of our turnout gear  
7 meets or exceeds applicable industry standards.”<sup>72</sup>

8 153. Defendant Lion’s responses have been similar, and have also dismissed or minimized  
9 the significance of the Notre Dame Turnout Study’s findings. Lion issued a Customer Safety Alert  
10 for PFOA and Turnout Gear stating: “Your LION turnout gear continues to be safe and ready for  
11 action especially when properly maintained. It is extremely important that firefighters continue to  
12 wear and properly care for their gear to stay safe on the job.”<sup>73</sup>

13 154. The Customer Safety Alert goes on to stress that Lion does not use PFOA or PFOS  
14 (two long-chain PFAS chemicals) in its turnouts.<sup>74</sup> It does not, however, address that the maker’s  
15 turnouts in fact contain other PFAS chemicals, nor warn firefighters or the public about health harms  
16 associated with exposure to these toxic, bio-accumulating chemicals.

17 **HERE’S ALL YOU NEED TO KNOW**  
18 **ABOUT PFOA AND YOUR TURNOUT GEAR.**

19 **What is PFOA and why are we talking about it?**

20 **Perfluorooctanic Acid (PFOA) is a chemical that until recently was used in the process to make many different industrial chemicals and products.** The manufacture and use of PFOA was mostly phased out by major chemical companies by 2010. By 2015, its manufacture was eliminated in the United States.

21 In the firefighting protective clothing industry, PFOA was used as a processing agent in the manufacture of resins used to make PTFE films – the primary component of the moisture barrier used in turnout gear. While most residual PFOA was eliminated from the manufacturing process of PTFE, some tiny trace amounts remained.

22 **LION does not use PFOA or PFOS in our turnout gear or any of our protective products.**

23 PFOS has never been a component of turnout gear. PFOS health and environmental concerns are largely related to AFFF foams and are not connected to turnout gear.

24  
25 <sup>72</sup> Blair Miller, *Local Firefighters Concerned About Potentially Dangerous Chemicals on Gear*, Boston 25 News (February 26, 2019), [https://www.boston25news.com/news/local-firefighters-facing-concerns-over-potentially-dangerous-chemicals-on-gear/92523612/..](https://www.boston25news.com/news/local-firefighters-facing-concerns-over-potentially-dangerous-chemicals-on-gear/92523612/)

26  
27 <sup>73</sup> LION Customer Safety Alert – PFOA and Turnout Gear (April 24, 2019), [https://cdn2.hubspot.net/hubfs/3475623/LION\\_PFOA\\_factsheet\\_042419.pdf](https://cdn2.hubspot.net/hubfs/3475623/LION_PFOA_factsheet_042419.pdf).

28 <sup>74</sup> *Id.*

1           155. Defendant Lion’s paid consultant, Dr. Paul Chrostowski, also has taken aim at the  
2 Notre Dame Turnout Study and its findings. Refuting a *Fire Rescue* magazine article about the  
3 study,<sup>75</sup> Chrostowski repeated Lion’s website statement that “PFOA was never part of the gear itself  
4 and frequent independent testing has found only trace amounts of it in any of the gear – not nearly  
5 enough to cause concern, and in amounts similar to consumer products.”<sup>76</sup> Chrostowski went on to  
6 say “[t]he fact is that one may find trace amounts of ‘short-chain’ PFAS such as PFBS and PFHxA  
7 in firefighting textiles, but the scientific research shows that these materials are far less toxic than  
8 even PFOA and at the tiny trace levels the risk are extremely low based on numerous credible  
9 published scientific research papers.”<sup>77</sup> Finally, Chrostowski falsely stated that the link between  
10 PFAS exposure and cancer is “extremely weak.”<sup>78</sup>

11           156. Defendants, including at least DuPont, Gore, Lion and MSA (Globe), have been  
12 regular sponsors of the International Association of Fire Fighters (“IAFF”) Cancer Summit. At this  
13 event, as well as in firefighter cancer-related publications, programs and events, Defendants have  
14 repeatedly pushed the narrative that the high rate of cancer among firefighters is attributable either to  
15 *other chemicals* encountered in the line of duty, or firefighters’ failure to wash their turnouts after  
16 every call. Not once have Defendants admitted that the PFAS materials in their products has been  
17 found to be carcinogenic, and that the very equipment that should be protecting firefighters are  
18 causing the most harm.

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24 <sup>75</sup> <https://firerescuemagazine.firefighternation.com/2020/05/28/what-if-i-told-you-that-your-bunker-gear-was-causing-cancer/#gref>

25 <sup>76</sup> Paul Chrostowski, Ph.D., QEP, *Research and Independent Testing Shows Firefighters’ Turnout Gear Remains Safe Despite Claims*, *Fire Rescue* (June 3, 2020).

26 <https://firerescuemagazine.firefighternation.com/2020/06/03/research-and-independent-testing-shows-firefighters-turnout-gear-remains-safe-despite-claims/#gref>.

27 <sup>77</sup> *Id.*

28 <sup>78</sup> *Id.*

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157. The Firefighter Plaintiffs deserve more. They are the first to respond to emergencies faced by their community, and never hesitate to help. Whether delivering a baby, responding to a fire, medical emergency, accident, mass shooting, terrorist attack, natural disaster, or teaching kids about fire safety, firefighters always put the community first. When a child is drowning in a pool or a family is caught in a burning house, they do not stop to calculate whether they will benefit by doing the right thing. They are true public servants. They step in and do what is needed when it is needed the most. Their health, safety and well-being must be of the highest priority.

**G. The Firefighter Plaintiffs Have Significant Levels of PFAS in their Blood**

158. After years of Defendants suppressing research showing PFAS to be toxic and associated with cancer and other serious illnesses, misrepresenting the safety of PFAS and PFAS-containing Class B foam and turnouts, and attributing the cause of firefighters’ cancers and other serious illnesses to factors other than Class B foams and turnouts (or the PFAS chemicals and materials in these foams and turnouts), the Firefighter Plaintiffs could not know and, in fact, did not know that significant levels of PFAS had bio-accumulated in their blood.

159. In July 2020, prior to filing this complaint, the Firefighter Plaintiffs submitted blood serum samples to public health professionals at the University of California, San Francisco (UCSF) for PFAS level testing and analysis. The results are startling.

160. The testing shows that all of the Firefighter Plaintiffs have significant levels of PFAS in their blood for several PFAS chemicals, including PFOA, PFNA, PFDA, PFUnDA, PFOS,

1 PFDOA, PFOS, PFBA, and PFBuS. The geometric mean<sup>79</sup> for the Firefighter Plaintiffs’ PFAS blood  
2 levels across each of these PFAS chemicals is substantially higher, for each of the above-described  
3 PFAS chemicals, than PFAS levels found in the general public as reported by the National Health  
4 and Nutrition Examination Survey (“NHANES”) of the Center for Disease Control for the most recent  
5 NHANES reporting period.

6 161. Importantly, the Firefighter Plaintiffs’ blood samples showed especially significant  
7 levels of PFOA and PFOS – two PFAS chemicals contained in Class B foams and turnouts that are  
8 known carcinogens and have been found to cause cancer and other serious health illnesses in humans.

9 162. The Firefighter Plaintiffs only learned for the first time that they had significantly  
10 elevated levels of PFAS in their blood in July 2020, when they received testing results of their blood  
11 serum.

12 163. Based on all of the foregoing, the Firefighter Plaintiffs, and certain of their spouses,  
13 the Spouse Plaintiffs, bring this action for damages and for other appropriate relief sufficient to  
14 compensate them for the significant harm Defendants’ PFAS chemicals and PFAS-containing  
15 products have caused.

16 **EQUITABLE TOLLING OF APPLICABLE STATUE OF LIMITATIONS**

17 164. Plaintiffs incorporate by reference all prior paragraphs of this complaint as though  
18 fully set forth herein.

19 **A. Fraudulent Concealment**

20 165. Defendants have known or should have known about the hazardous toxicity,  
21 persistence, and bioaccumulation associated with the use of PFAS and PFAS-containing materials  
22 since at least the 1960s and as late as the early 1990s when study after study showed not only  
23 unacceptable levels of toxicity and bioaccumulation in human blood, but links to increased incidence  
24 of liver damage, various cancers and birth defects.

25 166. Through no fault or lack of diligence, Plaintiffs were deceived regarding the safety of  
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27 <sup>79</sup> The geometric mean is a mean or average, which indicates the central tendency or typical value of  
28 a set of numbers by using the product of their values (as opposed to the arithmetic mean which uses  
their sum).

1 Class B foam and turnouts and could not reasonably discover the hazardous toxicity, persistence, and  
2 bioaccumulation associated with the use of PFAS or PFAS-containing materials in Class B foam and  
3 turnouts, nor Defendants' deception with respect to the hazardous toxicity, persistence, and  
4 bioaccumulation associated with the use of PFAS or PFAS-containing materials in Class B foam and  
5 turnouts.

6 167. Plaintiffs did not discover and did not know of any facts that would have caused a  
7 reasonable person to suspect that Defendants were concealing the hazardous toxicity, persistence, and  
8 bioaccumulation associated with the use of PFAS or PFAS-containing materials in Class B foam and  
9 turnouts. As alleged herein, the existence of the hazardous toxicity, persistence, and bioaccumulation  
10 associated with the use of PFAS or PFAS-containing materials in Class B foam and turnouts was  
11 material to Plaintiffs at all relevant times. Within the time period of any applicable statutes of  
12 limitations, Plaintiffs could not have discovered through the exercise of reasonable diligence the  
13 existence of the hazardous toxicity, persistence, and bioaccumulation associated with the use of PFAS  
14 or PFAS-containing materials in Class B foam and turnouts, nor that Defendants were concealing the  
15 fact of the hazardous toxicity, persistence, and bioaccumulation associated with the use of PFAS or  
16 PFAS-containing materials in Class B foam and turnouts.

17 168. Defendants did not fully disclose the seriousness of the hazardous toxicity,  
18 persistence, and bioaccumulation associated with the use of PFAS or PFAS-containing materials in  
19 Class B foam and turnouts, but instead ignored and/or concealed the defect from Plaintiffs and the  
20 public, and refused to provide safe alternatives to PFAS or PFAS-containing materials in Class B  
21 foam and turnouts.

22 169. At all times, Defendants are and were under a continuous duty to disclose to Plaintiffs  
23 the hazardous toxicity, persistence, and bioaccumulation associated with the use of PFAS or PFAS-  
24 containing materials in Class B foam and turnouts.

25 170. Defendants knowingly, actively, and affirmatively concealed the facts alleged herein.  
26 Plaintiffs reasonably relied on Defendants' knowing, active, and affirmative concealment.

27 171. For these reasons, any and all applicable statutes of limitations have been tolled as a  
28 consequence Defendants' ongoing knowledge, active concealment, and denial of the facts alleged



1 herein.

2 **B. Estoppel**

3 172. Defendants were and are under a continuous duty to disclose to Plaintiffs the  
4 hazardous toxicity, persistence, and bioaccumulation associated with the use of PFAS or PFAS-  
5 containing materials in Class B foam and turnouts.

6 173. Instead, Defendants actively concealed the hazardous toxicity, persistence, and  
7 bioaccumulation associated with the use of PFAS and PFAS-containing materials in Class B foam  
8 and turnouts; and knowingly made misrepresentations about the quality, reliability, characteristics,  
9 safety and performance of Class B foam and turnouts.

10 174. Plaintiffs reasonably relied upon Defendants' knowing and affirmative  
11 misrepresentations, and/or active concealment, of these facts.

12 175. Based on the foregoing, Defendants are estopped from relying on any and all  
13 applicable statutes of limitations in defense of this action.

14 **C. Discovery Rule**

15 176. The causes of action alleged herein did not accrue until Plaintiffs discovered that the  
16 hazardous toxicity, persistence, and bioaccumulation associated with the use of PFAS or PFAS-  
17 containing materials in Class B foam and turnouts.

18 177. Plaintiffs, however, had no realistic ability to discern or suspect that the hazardous  
19 toxicity, persistence, and bioaccumulation associated with the use of PFAS or PFAS-containing  
20 materials in Class B foam and turnouts were a substantial cause of their injuries until—at the  
21 earliest—the Firefighter Plaintiffs received their test results revealing that they had significantly  
22 elevated levels of PFAS in July 2020.

23 178. Even then, Plaintiffs would have had no reason to discover their causes of action,  
24 because of Defendants' active and ongoing concealment of the true nature of the hazardous toxicity,  
25 persistence, and bioaccumulation associated with the use of PFAS or PFAS-containing materials in  
26 Class B foam and turnouts, and their prior knowledge of it.

27 179. Accordingly, Defendants are precluded by the Discovery Rule and/or doctrine of  
28 fraudulent concealment, and/or the doctrine of estoppel from relying upon any and all applicable

1 statutes of limitations.

2 **FIRST CAUSE OF ACTION**

3 **STRICT LIABILITY - DESIGN DEFECT**

4 180. This cause of action is asserted against all Defendants on behalf of all of the Firefighter  
5 Plaintiffs.

6 181. The Firefighter Plaintiffs incorporate by reference all prior paragraphs of this  
7 complaint, as though fully set forth herein.

8 182. Each Defendant, their predecessors-in-interest, and/or their alter egos, and/or entities  
9 they have acquired, have engaged in the business of manufacturing, distributing, supplying, testing,  
10 labeling, promoting, or advertising of Class B foam and/or turnouts and through that conduct have  
11 knowingly placed PFAS-containing products into the stream of commerce with full knowledge that  
12 they were sold to fire departments or to companies that sold Class B foam and/or turnouts to fire  
13 departments for use by firefighters such as the Firefighter Plaintiffs, who are exposed to PFAS  
14 through ordinary and foreseeable uses for the purpose of firefighting activities and training.

15 183. Defendants intended that the Class B foam and/or turnouts they were manufacturing,  
16 selling, distributing, supplying, promoting, and or selling would be used by firefighters, including the  
17 Firefighter Plaintiffs, without any substantial change in the condition of the products from when it  
18 was initially manufactured, sold, distributed, and marketed by Defendants. Class B foam and/or  
19 turnouts were not safe for use by firefighters even when used as directed by the manufacturer and for  
20 its intended purpose for firefighting activities which include training, extinguishment, ventilation,  
21 search-and-rescue, salvage, containment, and overhaul.

22 184. Further, knowing of the dangerous and hazardous properties of Class B foam and/or  
23 turnouts, Defendants could have manufactured, marketed, distributed, and sold alternative designs or  
24 formulations of Class B foam and/or turnouts that did not contain PFAS.

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

27 186. The use of these alternative designs would have reduced or prevented the reasonably  
28 foreseeable harm to the Firefighter Plaintiffs that was caused by the Defendants' manufacture,

1 marketing, and sale of Class B foam and/or turnouts containing PFAS and PFAS-containing  
2 materials.

3 187. Additionally, the Class B foam and/or turnouts that were designed, manufactured,  
4 marketed, tested, advertised, marketed, promoted, sold, and distributed by the Defendants contained  
5 PFAS or PFAS-containing materials that were so toxic and unreasonably dangerous to human health  
6 and the environment, with the toxic chemicals being so mobile and persistent, that the act of  
7 designing, formulating, manufacturing, marketing, distributing, and selling these products was  
8 unreasonably dangerous under the circumstances.

9 188. The Class B foam and/or turnouts designed, manufactured, marketed, tested,  
10 advertised, marketed, promoted, sold and distributed by the Defendants were dangerous and defective  
11 in design or formulation because, at the time in which the products left the hands of the manufacturer  
12 or distributors, the foreseeable risks exceeded the benefits associated with the design or formulation  
13 of Class B foam and/or turnouts.

14 189. The Class B foam and/or turnouts designed, manufactured, marketed, tested,  
15 advertised, marketed, promoted, sold, and distributed by the Defendants were dangerous and  
16 defective in design or formulation because, when the PFAS-containing products left the hands of the  
17 manufacturer or distributors, said products were unreasonably dangerous, unreasonably dangerous in  
18 normal use, and were more dangerous than an ordinary consumer-firefighter would expect.

19 190. The Class B foam and/or turnouts were in a defective condition and unsafe, and  
20 Defendants knew or had reason to know that these PFAS-containing products were defective and  
21 unsafe, especially when used in the form and manner as provided by Defendants. In particular,  
22 Defendants PFAS-containing products were defective in the following ways:

23 191. When placed in the stream of commerce, Defendants' PFAS-containing Class B foam  
24 and/or turnouts were defective in design and formulation and as a result failed to meet ordinary users'  
25 expectations as to their safety and failed to perform as an ordinary user would expect;

26 192. When placed in the stream of commerce, Defendants' PFAS-containing Class B foam  
27 and/or turnouts were defective in design and formulation, and as a result, dangerous to an extent  
28 beyond which an ordinary consumer-firefighter would anticipate.

1           193.    When placed in the stream of commerce, Defendants' PFAS-containing Class B foam  
2 and/or turnouts were unreasonable dangers in that they were hazardous and posed a grave risk of  
3 cancer and other serious illnesses when used in a reasonably anticipated manner.

4           194.    When placed in the stream of commerce, Defendants' PFAS-containing Class B foam  
5 and/or turnouts contained unreasonably dangerous design defects and were not reasonably safe when  
6 used in a reasonably anticipated manner.

7           195.    When placed in the stream of commerce, Defendants' PFAS-containing Class B foam  
8 and/or turnouts did not provide an adequate warning of the potential harm that might result from  
9 exposure to PFAS and/or emitted from the Class B foam and/or turnouts and, alternatively, did not  
10 have adequate instructions for safe use of the products.

11          196.    Exposure to PFAS presents a risk of grave and harmful side effects and injuries that  
12 outweigh any potential utility stemming from their use;

13          197.    Defendants knew or should have known at the time of manufacturing, selling,  
14 distributing, promoting or marketing their PFAS-containing Class B foam and/or turnouts that  
15 exposure to PFAS could result in cancer and other grave and serious illnesses and injuries as alleged  
16 herein.

17          198.    The foreseeable risk of harm could have been reduced or eliminated by the adoption  
18 of a reasonable, alternative design that was not unreasonably dangerous.

19          199.    The Firefighter Plaintiffs used these PFAS-containing products in the ways that  
20 Defendants intended them to be used.

21          200.    The Firefighter Plaintiffs' used these PFAS-containing produces in ways that were  
22 foreseeable to Defendants.

23          201.    The Firefighter Plaintiffs were exposed to PFAS by using Defendants' Class B foam  
24 and/or turnouts in the course of their employment, as described above, without knowledge of Class  
25 B foam and/or turnouts' dangerous propensities.

26          202.    The design defect in Class B foam and/or turnouts containing PFAS exposed the  
27 Firefighter Plaintiffs to toxic levels of PFAS and therefore, was a substantial factor in causing the  
28 Firefighter Plaintiffs' injuries and damages as described herein.



1 manufactured, sold, distributed, and marketed by Defendants.

2 211. Defendants knew or should have reasonably known that the manner in which they  
3 were manufacturing, marketing, and selling Class B foam and/or turnouts containing PFAS was  
4 hazardous to human health.

5 212. The potential risks of using PFAS-containing products presented a substantial danger  
6 to firefighters, including the Firefighter Plaintiffs, when the Class B foam and/or turnouts were used  
7 or worn in an intended or reasonably foreseeable way.

8 213. The Firefighter Plaintiffs used Class B foam and wore turnouts in the intended or  
9 reasonably foreseeable way in the ordinary course of performing their duties as firefighters, including  
10 fire suppression and fire suppression training.

11 214. The Class B foam and/or turnouts manufactured, marketed, and sold by the  
12 Defendants was dangerous and defective because the foreseeable risk of harm could have been  
13 reduced or eliminated by the adoption of a reasonable, alternative design that was not unreasonably  
14 dangerous.

15 215. Defendants' products were in a defective condition and unreasonably dangerous, in  
16 that Class B foam and/or turnouts which, by design, contain PFAS or PFAS-containing products, are  
17 deleterious, toxic, and highly harmful to the Firefighter Plaintiffs.

18 216. Defendants knew or should have reasonably known that exposure to PFAS was  
19 hazardous to human health, but:

- 20 a. Did not provide an adequate warning of the potential harm that might result  
21 from exposure to PFAS or PFAS-containing materials in Class B foam and/or  
22 turnouts;
- 23 b. Did not have adequate instructions for safe use of the products;
- 24 c. Did not have warnings to persons, such as the Firefighter Plaintiffs, who had  
25 been, or reasonably may have been, exposed to Defendants' Class B foam  
26 and/or turnouts, of their disease potential, the proper steps to take to reduce the  
27 harmful effects of previous exposure, the need to have periodic medical  
28 examinations including the giving of histories which revealed the details of the

1 previous exposure, and the need to have immediate and vigorous medical  
2 treatment for all related adverse health effects;

3 d. Did not manufacture, market, promote, distribute or sell reasonably  
4 comparable products not containing PFAS when it became feasible to design.

5 217. At the time of manufacture, distribution, promotion, labeling, distribution, and/or sale,  
6 Defendants could have provided warnings or instructions regarding the full and complete risks of  
7 Class B foam and/or turnouts containing PFAS or PFAS-containing materials, because Defendants  
8 knew or should have known of the unreasonable risks of harm associated with the use of and/or  
9 exposure to such products.

10 218. At all relevant time, Defendants' Class B foam and/or turnouts did not contain an  
11 adequate warning or caution statement, which was necessary.

12 219. The Firefighter Plaintiffs were unaware of the defective and unreasonably dangerous  
13 condition of Defendants' products at a time when such products were being used for the purposes for  
14 which they were intended, and the Firefighter Plaintiffs were exposed to PFAS released from the  
15 Defendants' Class B foam and/or turnouts.

16 220. The Firefighter Plaintiffs did not and could not have known that the use of Class B  
17 foam and/or turnouts in the ordinary course of performing their duties as firefighters could be  
18 hazardous to their health, bio-accumulate in the blood, and cause serious health effects, including  
19 cancer.

20 221. Defendants knew that the use of Class B foam and/or turnouts, even when used as  
21 instructed by Defendants, subjected the Firefighter Plaintiffs and others to a substantial risk of harm  
22 and yet, failed to adequately warn the Firefighter Plaintiffs, the EPA or the public.

23 222. As a result of their inadequate warnings, Defendants' Class B foam and/or turnouts  
24 were defective and unreasonably dangerous when they left the possession and/or control of  
25 Defendants, were distributed by Defendants, and used or worn by the Firefighter Plaintiffs.

26 223. The lack of adequate and sufficient warnings was a substantial factor in causing the  
27 Firefighter Plaintiffs' harm and injuries, as described herein.

28 224. As a result of Defendants' failure to provide adequate and sufficient warnings,

1 Defendants are strictly liable in damages to the Firefighter Plaintiffs.

2 225. As a direct and proximate result of the foregoing acts and omissions, the Firefighter  
3 Plaintiffs suffered the injuries and damages described herein.

4 226. Defendants acted with willful or conscious disregard for the rights, health, and safety  
5 of the Firefighter Plaintiffs, as described herein, thereby entitling the Firefighter Plaintiffs to an award  
6 of punitive damages.

7 **THIRD CAUSE OF ACTION**

8 **NEGLIGENCE**

9 227. This cause of action is asserted against all Defendants on behalf of all of the Firefighter  
10 Plaintiffs.

11 228. The Firefighter Plaintiffs incorporate by reference all prior paragraphs of this  
12 complaint as though fully set forth herein.

13 229. Defendants owed a duty of care towards the Firefighter Plaintiffs that was  
14 commensurate with the inherently dangerous, harmful, injurious, bio-persistent, environmentally-  
15 persistent, toxic, and bio-accumulative nature of Class B foam and turnouts containing PFAS or  
16 PFAS-containing materials.

17 230. Defendants had a duty to exercise reasonable care in the design, research, testing,  
18 manufacture, marketing, formulation, supply, promotion, sale, labeling, training of users, production  
19 of information materials, use and/or distribution of Class B foam and/or turnouts into the stream of  
20 commerce, including a duty of care to ensure the PFAS did not infiltrate, persist in, accumulate in the  
21 blood and/or bodies of the Firefighter Plaintiffs and including a duty to assure their products would  
22 not cause users to suffer unreasonable, dangerous side effects.

23 231. Defendants had a duty to exercise reasonable care to ensure that Class B foam and/or  
24 turnouts were manufactured, marketed, and sold in such a way as to ensure that the end users of Class  
25 B foam and/or turnouts were aware of the potential harm PFAS can cause to human health, and were  
26 advised to use it in such a way that would not be hazardous to their health.

27 232. Defendants had a duty to warn of the hazards associated with PFAS and PFAS-  
28 containing materials and were in the best position to provide adequate instructions, proper labeling,



1 and sufficient warnings about the Class B foam and/or turnouts. However, Defendants knowingly  
2 and intentionally failed to do so.

3 233. Defendants failed to exercise ordinary care in the designing, researching, testing,  
4 manufacturing, formulating, marketing, testing, promotion, supply, sale, and/or distribution of their  
5 PFAS chemicals and PFAS-containing products in the regular course of business, in that Defendants  
6 knew or should have known that use and exposure to PFAS and PFAS-containing materials was  
7 hazardous to human health and created a high risk of unreasonable, dangerous side effects, including  
8 but not limited to severe personal injuries, as described herein.

9 234. Defendants also knew or should have known that the manner in which they were  
10 manufacturing, marketing, distributing, and selling Class B foam and/or turnouts containing PFAS  
11 or PFAS-containing materials was hazardous to human health, bio-accumulated in the blood, and  
12 caused serious health effects, including cancer.

13 235. Defendants negligently and deceptively underreported, underestimated, downplayed  
14 the serious health dangers of the Class B foam and/or turnouts products.

15 236. Defendants negligently, carelessly and recklessly recommended application and  
16 disposal techniques for PFAS and/or for products containing PFAS that directly and proximately  
17 caused harm to the Firefighter Plaintiffs.

18 237. Defendants knew or should have known that firefighters working with and using Class  
19 B foam and/or turnouts products would be exposed to PFAS.

20 238. At all times material, the Firefighter Plaintiffs inhaled, ingested and/or absorbed  
21 dermally hazardous PFAS contaminants released from the Defendants' Class B foam and/or turnouts.

22 239. The Firefighter Plaintiffs' exposure to Defendant's Class B foam and/or turnouts,  
23 which were connected to and incidental to Defendants' manufacture, design, sale, supply and/or  
24 distribution of its PFAS-containing products, was harmful and substantially increased the risk of  
25 injuries to the Firefighter Plaintiffs, and did cause injuries to the Firefighter Plaintiffs.

26 240. Defendants knew or should have known that the manner in which they were  
27 manufacturing, marketing, distributing and selling Class B foam and/or turnouts containing PFAS or  
28 PFAS-containing materials would result in harm to the Firefighter Plaintiffs as a result of using Class

1 B foam and/or turnouts in the ordinary course of performing the Firefighter Plaintiffs' duties as  
2 firefighters.

3 241. Defendants knew, foresaw, anticipated, and/or should have foreseen, anticipated,  
4 and/or known that the design, engineering, manufacture, fabrication, sale, release, handling, use,  
5 and/or distribution of PFAS or PFAS-containing materials in Class B foam and turnouts, and/or  
6 Defendants' other acts and/or omissions as described in this complaint, could likely result in PFAS  
7 exposure to the Firefighter Plaintiffs, the persistence and accumulation of toxic and harmful PFAS in  
8 their blood and/or bodies, and cause injuries to the Firefighter Plaintiffs as herein alleged.

9 242. Despite knowing, anticipating, and/or foreseeing the bio-persistent, bio- accumulative,  
10 toxic, and/or otherwise harmful and/or injurious nature of PFAS materials, Defendants, their agents,  
11 servants, and/or employees, committed negligent acts and/or omissions that resulted in PFAS  
12 exposure to the Firefighter Plaintiffs, the persistence and accumulation of toxic and harmful PFAS in  
13 their blood and/or bodies, and caused injuries to the Firefighter Plaintiffs as herein alleged.

14 243. Defendants, through their acts and/or omissions as described in this complaint,  
15 breached their duties to the Firefighter Plaintiffs.

16 244. It was reasonably foreseeable to Defendants that the Firefighter Plaintiffs would likely  
17 suffer the injuries and harm described in this complaint by virtue of Defendants' breach of their duty  
18 and failure to exercise ordinary care, as described herein.

19 245. As a direct and proximate result of the foregoing acts and omissions, the Firefighter  
20 Plaintiffs suffered the injuries described herein, which are permanent and lasting in nature, include  
21 physical pain and mental anguish, the need for lifelong medical treatment, monitoring, and/or  
22 medications. But for Defendants' negligent acts and/or omissions, the Firefighter Plaintiffs would not  
23 have been injured or harmed.

24 246. Defendants acted with willful or conscious disregard for the rights, health, and safety  
25 of the Firefighter Plaintiffs, as described herein, thereby entitling the Firefighter Plaintiffs to an award  
26 of punitive damages.

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1 **FOURTH CAUSE OF ACTION**

2 **LOSS OF CONSORTIUM**

3 247. This cause of action is asserted against all Defendants on behalf of all of the Spouse  
4 Plaintiffs.

5 248. The Spouse Plaintiffs incorporate by reference all prior paragraphs of this complaint,  
6 as though fully set forth herein.

7 249. At all times relevant to this action, the following Plaintiffs were and are now lawfully  
8 married:

9 a. Firefighter Plaintiff Mike Tapia and Spouse Plaintiff Bridget Tapia;

10 b. Firefighter Plaintiff Kevin Bebee and Spouse Plaintiff Victoria Bebee;

11 c. Firefighter Plaintiff Rob Piper and Spouse Plaintiff Kathy Piper.

12 250. As alleged above, and as a result of the conduct of the Defendants, Firefighter  
13 Plaintiffs sustained severe and permanent injuries and damages.

14 251. As a proximate result of their husbands' injuries sustained from the exposure and use  
15 of Class B foam and/or turnouts in the ordinary course of performing their firefighting duties, The  
16 Spouse Plaintiffs were deprived of love, companionship, comfort, care, assistance, protection,  
17 affection, society, moral support, sexual relations and conjugal fellowship, during their husbands'  
18 illnesses, treatments and recoveries, which deprivation has caused, continues to cause, and in the  
19 future is expected to cause each of the Spouse Plaintiffs emotional distress; loss of earning capacity;  
20 past, present, and future, and other injuries – the full extent of which has not yet been ascertained, but  
21 which will be stated according to proof at trial.

22 252. As a further direct and proximate result of the aforesaid conduct of Defendants, each  
23 of the Spouse Plaintiffs has sustained a loss of consortium, love, society, comfort and affection, and  
24 has thereby sustained pecuniary losses, which losses will be stated according to proof at trial.

25 **PRAAYER FOR RELIEF**

26 WHEREFORE, Plaintiffs respectfully prays that this Court grant the following relief:

27 (1) Compensatory damages, including but not limited to, pain, suffering, emotional  
28 distress, loss of enjoyment of life, and other non-economic damages in an amount

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- according to proof at time of trial;
- (2) Compensatory damages for future damages, including but not limited to Plaintiffs' pain and suffering and for severe permanent personal injuries sustained by the Firefighter Plaintiffs, including for future health care costs, medical monitoring, and/or economic loss.
- (3) Economic damages including but not limited to medical expenses, out of pocket expenses, lost earnings and other economic damages in an amount to be determined at trial;
- (4) Punitive and/or exemplary damages for the wanton, willful, fraudulent, and reckless acts of the Defendants, who demonstrated a conscious disregard and reckless indifference for the safety and welfare of the public in general and of the Plaintiffs in particular, in an amount sufficient to punish Defendants and deter future similar conduct, to the extent allowed by applicable law;
- (5) Pre-judgment and post-judgment interest, at the legal rate, on all amounts claimed;
- (6) Attorneys' fees and costs pursuant to C.C.P. § 1021.5 and/or as permitted by law;
- (7) For equitable and injunctive relief, as necessary, to ensure that Defendants refrain from continuing to harm others; and
- (8) Any such further relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a jury trial for each cause of action for which they are entitled to a jury trial.

DATED: September 11, 2020.

**PRITZKER LEVINE LLP**



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