



Plaintiffs. Some of those methods are purposeful and/or derive from Defendants' reckless disregard for operating standards and applicable laws and regulations. Defendants' refusal to follow applicable laws and agricultural best practices has harmed family farmers, landowners, and residents of Adams County.

3. Defendants operate an industrial pork production facility known as a CAFO where animals are confined indoors for the entire growth cycle before being taken to slaughter and processing. Unlike traditional pork farmers, Defendants are part of a system where a few large multinational corporations, known as "integrators," own the animals that are raised inside specific industrial CAFO sites, like the one owned by Defendants.

4. Pork CAFOs produce an enormous amount of animal waste. University of North Carolina researchers have found that an adult hog produces about ten times as much feces as a human. That means that a 5,000-hog facility like the one owned and operated by Defendants may generate the same amount of waste as 50,000 people, a number that approaches the entire human population of Adams County.

5. Feces from these facilities often carry dangerous pathogens, bacteria (including antibiotic-resistant strains), and heavy metals that can be toxic when ingested. Groundwater pollution from hog waste has been shown to cause mucosal irritation, respiratory ailments, increased stress, decreased quality of life, and higher blood pressure.

6. The amount of dangerous waste generated requires CAFOs to adopt sophisticated waste disposal practices to avoid contamination of nearby air, water, crops, and homes. Disposal is done by spraying the liquified waste on the fields and/or injecting it into the soil. Waste is applied to fields according to the terms of waste-disposal plans, or as Illinois refers to them, Nutrient Management Plans (NMPs), that are designed to "minimize" runoff from application

fields into surrounding waters.

7. Notwithstanding these methods, runoff from CAFOs, especially when operated improperly, can cause significant water impairment over large areas. This can take place if there is a shortage of land application areas, if a CAFO overapplies feces and urine to specific areas, if a CAFO does not follow best practices for methods and timing of application, or if a CAFO ignores or otherwise fails to adhere to the terms of its NMP.

8. Improperly disposed feces and urine also cause noxious odors for long distances, emit aerosolized feces, urine, and bacteria that are breathed in by nearby residents, and attract disease-carrying and biting insects to surrounding areas.

9. Improperly disposed waste from a CAFO can limit the ability of farms, especially family farms, to operate by contaminating crops and animals, polluting water, and attracting insects that harm crops.

10. Here, the offensive and noxious odors, particulate matter, discharges of manure and urine, insects, and other emissions that frequently emanate from Defendants' CAFO have impaired Plaintiffs' ability to farm and enjoy their property and have caused substantial damage to Plaintiffs' quality of life.

11. Defendants' CAFO includes the buildings in which the hogs are confined, the hog feces and urine, and other hazardous substances and materials from the confinement buildings, such as medication and chemicals, and the manure pits where feces and urine are initially stored before being moved onto the land application fields where Defendants dispose of the millions of gallons of hog feces and urine that they generate every year.

12. The sources of the frequent odors, particulate matter, manure and urine, and other emissions include, but are not limited to, the swine; the hog confinement buildings; the manure

pits into which pig manure, urine, and other hazardous substances are flushed; the flushing systems; the leakage, spillage, discharge, and release of swine manure and urine; the spreading of hog manure and urine; the disposal of dead hogs; and the accumulation of dead animal carcasses without proper and timely disposal.

13. Odor and toxic gases—including but not limited to hydrogen sulfide, methane, and ammonia—cause and contribute to the offensive and invasive odors, particulate matter, and harmful emissions that have frequently disrupted and interfered with Plaintiffs’ use and quiet enjoyment of their lives and homes. They have also inhibited Plaintiffs’ ability to farm and/or hunt their lands.

14. The flies and other insects that are attracted to the Defendants’ swine feces and urine, or that emanate from Defendants’ facilities, are an additional frequent nuisance to Plaintiffs. These insects cause substantial and material annoyance, including harmful health effects, and spread viruses and bacteria to Plaintiffs’ property. These insects also damage Plaintiffs Crystal and Randall Clairs’ crops.

15. Defendants’ disposal of dead hogs presents problems for surrounding residents and farmers. Carcasses are often improperly handled, and state composting and disposal requirements are often ignored or violated. Dead carcasses stockpiled on Defendants’ CAFO create odor, attract flies, and contaminate air and water with dangerous pathogens.

16. The Illinois Environmental Protection Agency (“IEPA”) has received and responded to complaints by local residents and farmers, including Plaintiffs, regarding Defendants’ CAFO, its operation, and the impact on the use of nearby homes and properties. IEPA has found that Defendants’ CAFO has been improperly operated and has been maintained in ways that fail to meet state standards.

17. As set forth in greater detail below, Defendant Ragan Peter has indicated—in verbal threats and utterances and through his actions—that he is purposefully and specifically targeting the Plaintiffs Crystal and Randall Clairs’ home and farm, in retaliation for the Clairs’ advocacy against permitting a CAFO locally. Defendant Peter has indicated he is trying to make the impact of his operation even more of a nuisance to their ability to operate their farm and to their use and enjoyment of their properties.

18. As more fully set forth in the Prayer for Relief below, Plaintiffs seek general (non-economic) damages; special (economic) damages; a temporary restraining order; a preliminary injunction; declaratory judgement; a permanent injunction; compensatory damages; consequential damages; medical/incidental/hospital expense reimbursement; property/incidental/repair expenses; future air testing and monitoring expenses; future water testing and monitoring expenses; restoration of aesthetics damaged or destroyed; damages relating to the loss of use and enjoyment of property; damages relating to diminution of property value; punitive damages; and attorney fees, case expenses, and any other further relief as this Honorable Court deems necessary, just and proper.

#### **Parties**

19. Plaintiffs incorporate by reference the allegations set forth in the preceding paragraphs, as if fully set forth herein.

20. Plaintiffs are residents of Adams County, Illinois and reside in close proximity to the CAFO stocked, owned, and operated by Defendants.

21. Plaintiffs Crystal and Randall Clair (the “Clairs”) reside at and operate Sunset Lake Organics, an approximately 160-acre organic farm located at 1784 North 2700th Avenue in Loraine, Illinois. The Clairs’ home is located approximately 2,280 feet from

Defendants' CAFO.

22. Plaintiff Shawn Peters ("Shawn Peters") is a resident of Adams County, Illinois and owns a 65 acre parcel of land located at northwest corner of 1850 North 2700th Avenue, directly across the street from County Line Swine.

23. The Clairs and Shawn Peters shall be collectively referred to as the "Plaintiffs" herein.

24. Defendant County Line Swine Inc. ("County Line") is a corporation registered with the Office of the Secretary (a) under the file number 71799964; (b) at the address 1770 East County Road 50 in West Point, Illinois 62380; and (c) with Defendant Ragan Peter registered as both as President and Secretary. The principal address for the CAFO operated by County Line is 1832 North 2700th Ave. in Loraine, Illinois 62349.

25. As averred above, Defendant Ragan Peter (Peter) is the President and Secretary of County Line Swine, which is the operator of the 5,000-hog CAFO located at 1832 North 2700th Ave. Loraine, Illinois 62349, in direct proximity to Plaintiffs' properties.

26. County Line and Peter shall be collectively referred to as "Defendants" herein.

### **FACTUAL BACKGROUND**

27. Plaintiffs incorporate by reference the allegations set forth in the preceding paragraphs, as if fully set forth herein.

28. Defendants own, operate, and maintain a hog confinement operation, or CAFO, located at 1832 North 2700th Ave. in Loraine, Illinois 62349. The CAFO has been in operation since late 2019 and houses approximately 5,000 hogs at any given time.

29. The hogs raised by Defendants at the facility are owned by Carroll Family Farms, a company that provides contract growers, like Defendants, with young piglets to

raise until slaughter. At all times, Carroll Family Farms (a) maintains ownership of the hogs in Defendants' care; (b) supplies the feed that Defendants provide to the hogs; and (c) exerts considerable contractual control over how Defendants care for the hogs. Upon information and belief, Carrol Family Farms provides pork exclusively to JBS Foods, a Brazil headquartered company that is the second largest pork producer in the world, with operations in the United States and abroad.

30. The nuisances and problems complained of herein are the direct result of Defendants' intentional misconduct and/or negligent and improper operation, management, and maintenance of the CAFO.

31. Defendants' CAFO is operated, managed, and maintained with disregard for the Plaintiffs' rights to the use and enjoyment of their property.

32. Based on Plaintiffs' information and belief, Defendants' facility is negligently and/or improperly operated, managed, and maintained because Defendants intentionally and/or negligently fail to follow appropriate operating procedures, including some that are required under relevant Illinois law, which, amongst other things, dictate (a) proper handling and storage of animal manure and urine; (b) proper disposal of dead (and possibly diseased) swine; and (c) proper maintenance and operation of the CAFO and of the land application equipment. Defendants' failure to follow appropriate operating procedures subjects Plaintiffs to frequent additional odor, particulate matter, discharges of hog manure and urine, other emissions, flies, insects, and/or other pests.

33. In 2018, when Defendants' application to build the hog operation was still pending, several local residents, including Plaintiffs, expressed concerns with the impact that the CAFO would have on their quality of life, health, and ability to use and enjoy

their own properties. These concerns were voiced in open, public meetings, to the press, and in written submissions to agency officials, encouraging them to deny the permit for this facility because of the fear that it would negatively impact their quality of life, use, and enjoyment of their own homes and properties, property values, and personal health and safety.

34. Plaintiffs' concerns were based both on their own knowledge of the impact that poorly managed CAFOs (generally) have on local residents, and on the documented record of mismanagement and negligence that Peter (specifically) displayed while owning and operating another hog facility elsewhere before applying for permits to build and operate County Line. Plaintiffs thus feared that Peter would not operate the proposed CAFO in the proper manner or in compliance with the contractual, statutory, and common law duties related to such operation.

35. Defendant Peter responded to Plaintiffs' expressed concerns and efforts to deny the permitting of his facility with a series of threats and attempted intimidation to silence any opposition.

36. On or around May 20, 2018, Peter entered the Clairs' property uninvited and accosted Crystal Clair at home, threatening, "If you continue to give me any trouble on this confinement your life and your livelihood will never be the same because I will bring the biggest and baddest pigs I can find."

37. Peter's threat reasonably prompted the Clairs to retain an attorney to draft and send a cease-and-desist letter to Peter, warning Peter that he should neither enter the Clair property nor have direct contact with the Clairs again.

38. At about the same time as accosting Crystal Clair, Peter also told other local



residents, including to Plaintiff Shawn Peters, that Peter planned to deliberately harm the Clairs' property in response to their opposition to his CAFO's construction. In one specific instance, during the construction phase of the CAFO, Peter stated to Shawn Peters that he was making alterations to his construction plans so that the giant exhaust fans that carry odor, air pollutants, and particulate matter from the hog confinement house would aim directly at the nearby Clair property in order to "fuck with the Clairs."

39. In the over two years that Defendants have operated the CAFO, Peter has made good on these threats, and he has ensured that the lives and livelihoods of the Clairs and other neighbors will never be the same. As more fully set forth below, Peter's implied and overt threats have caused Crystal Clair to suffer emotional distress.

40. Defendants have operated their CAFO with little regard for the harmful, detrimental impact that they are causing to Plaintiffs' daily lives. In the short time since Defendants' CAFO began operating, it has been the subject of several complaints to and actions by the Illinois Environmental Protection Agency ("IEPA").

41. On July 17, 2020, IEPA, pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, issued a Violation Notice (No. W-2020-50124) to County Line. This Violation was premised on findings derived from a site inspection/investigation that occurred on May 26, 2020, at which time IEPA discovered two uncovered manure stacks located on the Defendants' property. According to the Violation Notice, the "larger stack was located directly on the ground with no cover, pad, or other controls to prevent runoff," and leachate was pooled in several spots around the stacks and in a drainage course.

42. IEPA's investigation concluded that the conduct by County Line was in violation

of the Illinois Environmental Protection Act and Illinois Pollution Control Board regulations, citing violations for Discharge of Contaminants, Deposit of Contaminants, and Livestock and Waste Handling Violations, and ordering County Line to cease and desist.

43. Just weeks later, on July 30, 2020, a site visit by IEPA prompted further action against County Line. On September 10, 2020, pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, IEPA issued another Violation Notice (No. W-2020-50159) against County Line. In this second instance, the IEPA's investigation uncovered a discharge of runoff from a cattle feedlot into an unnamed tributary of Thurman Creek, noting that no waste handling structures were observed. Once again, County Line was cited for Livestock Waste Handling Violations and, given the discharge of pollutants to the Thurman Creek tributary, for Unpermitted Discharge.

44. The Violation Notice stated, in part: "During the investigation, livestock waste odors were observed both on-site and outside of the facility, as far as 1.2 miles away." The Clairs live less than half a mile from Defendants' CAFO, and Shawn Peters's property is located less than 500 feet from Defendants' CAFO.

45. The violations documented by IEPA included the mishandling of hog waste, the discharge of waste into waters of the State and emissions of contaminants into the environment so as to cause air pollution.

46. Defendants have regularly overapplied hog waste on application fields that either abut or are in direct proximity to neighbors, including Plaintiffs, resulting in several instances where wastewater has been left standing in pools on the surface of the land and, in the case of the Clairs, resulting in runoff directly onto the Clairs' property.

47. Defendants' spreading of manure within distances of as little as 50 feet from the Clairs' property line prompted the Clairs to file complaints with the Illinois Environmental Protection Agency in both November and December of 2020.

48. As averred in the foregoing paragraphs, Defendants have committed a trespass by allowing wastewater, generated at/from their CAFO, to permeate unto the Clairs' property. Once it is trespassed upon the Clairs' property, this wastewater remains standing in pools on the surface of their land until it soaks into the ground or evaporates and/or runs off into the lake contained on the Clairs' property, thereby polluting the surface water.

49. As of the filing of this Complaint, Defendants' CAFO operation continues to have harmful, detrimental consequences for proximate residents and property owners, like Plaintiffs, whose residence and/or ownership *predates* County Line and its CAFO operations.

50. The Clairs, who live and work in direct proximity to Defendants' CAFO, are inundated regularly and frequently with offensive odors that permeate from the CAFO unto their property. During the spring and summer months, the inundation of the CAFO's noxious odors and/or runoff make it impossible for the Clairs to use and enjoy their home and/or their property, including amongst other activities, performing work on their own farm.

51. The Clairs have been subjected to further threats and intimidation since they have continued to document quality of life impacts from the CAFO and file complaints with IEPA. For instance, on July 26, 2020, in the midst of the IEPA site visits and issuances of violation notices to County Line for the mishandling of waste on their

CAFO and the discharges of pollutants into local waterways, the Clairs received an anonymous package at their home containing a garotte, which is a wire used for strangulation. The Clairs, distressed, reported this threat to the local police.

52. Defendant Peter has also attempted to intimidate the Clairs by following them in his vehicle for several miles when they leave their home and sometimes parking near their house.

53. On May 19, 2020 Peter stalked the Clairs' son, Thad King, as he was giving a tour of the area to an official from the Attorney General's office. Peter closely tracked Thad's vehicle for 40 minutes, as documented by a dashcam that shows Peter pulling over and stopping whenever Thad's vehicle stopped on the side of the road, and following Thad's vehicle into the town of Loraine where Peter finally lost track of Thad's vehicle. Upon Thad's return to his parents' home, he found Peter parked along the side of the road near the house.

54. The Clairs, fearing for their safety because of this ongoing pattern of threats and intimidation, installed a home security and camera system to protect themselves, their home, and their property.

55. As a result of Defendants' negligent operation of the CAFO, the repeated threats and efforts at intimidation, and the daily struggle to maintain their own family farm, Plaintiff Crystal Clair has suffered an enormous amount of anxiety and stress, driving her to consider abandoning her own home and farm to alleviate the severe emotional impact she is suffering.

56. Shawn Peters, who owns property in direct proximity to Defendants' CAFO, is inundated regularly and frequently with offensive odors that permeate from the CAFO

unto his property. That inundation of the CAFO's noxious odors make it impossible for Shawn Peters to use and enjoy his property, including amongst other activities, hunting or fishing thereon with his children. Defendants have created such extreme nuisance conditions that Shawn Peters had to abandon his overall plans with his property, as set forth in more detail below.

57. Plaintiff Shawn Peters purchased 65 acres of land in 2013 with the intention of constructing a "dream home" on the property for himself, his wife, and their children. Since purchasing the land, Shawn Peters has made regular visits on weekends and during holidays with family members and friends to explore, hike, fish, and hunt on the land.

58. After County Line began operating, Shawn Peters began to experience extremely noxious odors when visiting his land with family and friends. In fact, both his family members and friends have commented to Peters that the odors and air quality on his land are unbearable, even for short visits.

59. Shawn Peters, family, and friends have been forced to cut visits short and leave the property, which was intended to hold his dream home, because of the extreme odors emanating from the CAFO.

60. Because of the CAFO and Defendants' actions, before visiting his land, Shawn Peters must check local weather reports for wind direction and speed. If winds are blowing in the direction of his land from the CAFO, Shawn Peters foregoes visits to his land solely because of the odors generated by the CAFO that impact his property.

61. On November 19, 2021, the opening day of shotgun season in Illinois, Plaintiff Peters, along with his 15-year-old daughter, went to his property located across the road

from the CAFO at approximately 6:10 AM to hunt deer. Upon their arrival, two hog hauling trucks were already present at the CAFO, collecting hogs from the confinement building. The level of noise and the light from the trucks shining onto Peters' property caused the deer to flee, forcing Peters and his daughter to wait for the departure of the trucks at approximately 7:00 AM in the hope that deer would return to his property.

62. By 7:30 AM, Peters and his daughter were forced to abandon the hunting blind on his property because of the stench arising from the CAFO, which a southeast wind carried directly onto his property. Peters and his daughter state that the stench was so great they felt nauseated and almost vomited.

63. Sadly, as a result of the odors and impact on air quality the CAFO has on his property, Shawn Peters has abandoned his plans to build his dream home there, knowing that the property would be uninhabitable on many days of the year.

64. As further result, Shawn Peters is unwilling to subject himself, his wife, and/or their children to the air quality impacts caused by County Line.

65. On information and belief, Plaintiffs have suffered deleterious effects, such as the lost use and enjoyment of their property from the CAFO, including from Defendants' negligent operation and/or intentional disregard of common law and statutory duties.

**COUNT I**  
**PRIVATE NUISANCE**  
**[PLAINTIFFS v. ALL DEFENDANTS]**

66. Plaintiffs incorporate by reference the allegations set forth in the preceding paragraphs, as if fully set forth herein.

67. Plaintiffs Randall and Crystal Clair own land, a home, and buildings located on

500 acres in Adams County, Illinois, including the 160 acres located at 1784 N 2700th Ave, Loraine, IL 62349, where they have operated a certified organic farm since 2014.

68. Plaintiff Randall Clair has owned, lived and farmed at said property since 1974.

69. The Clairs' residence is approximately 2,280 feet from Defendants' hog confinement building and 200 feet from Defendants' property line.

70. At the time that Plaintiffs Clairs came into possession of their home and land, began operating their own farm, and converted to an organic operation in 2014, Defendants did not operate any swine factory, or industrial farm animal production facility, on the property later to be used for the current County Line Swine facility.

71. Plaintiff Peters purchased his property, located at the northwest corner of 1850 North 2700th Avenue in 2013. Since then, Peters, his family members, and his friends have made regular visits to the land for recreation, including to fish and hunt, and to discuss and plan the building of a permanent "dream home" on the property.

72. The Peters property is located directly across the street from the current location of County Line Swine.

73. At the time that Plaintiff Peters came into possession of his property, Defendants did not operate any swine factory, or industrial farm animal production facility, on the property later to be used for the current County Line Swine facility.

74. After Defendants began negligently operating and maintaining the CAFO, all Plaintiffs have suffered from substantial and continual foul and obnoxious odors, particulate matter, swine manure and urine, flies, insects, and other emissions emanating from Defendants' CAFO and adjacent land application fields.

75. As a direct and proximate result of the intentional, unreasonable, negligent and

reckless conduct of Defendants, Plaintiffs' private property, including but not limited to their once-clean air, has been and continues to be impacted by the nuisance conditions created by the Defendants.

76. Pig odors, animal odors, manure stockpiling and flies caused by Defendants' conduct at the CAFO have damaged and continue to damage Plaintiffs' property.

77. Pig odors and animal odors caused by Defendants' conduct at the CAFO have created and continue to create a health hazard to Plaintiffs.

78. Pig odors and animal odors caused by Defendants' conduct at the CAFO have caused Plaintiffs to experience medical conditions including headaches, difficulty breathing, burning of the throat, and watery eyes.

79. Pig odors, animal odors, manure stockpiling, and flies caused by Defendants' conduct at the CAFO unreasonably have obstructed and continue unreasonably to obstruct the reasonable and comfortable use of Plaintiffs' property.

80. As a direct and proximate result of Defendants' acts and omissions creating the above-described nuisance conditions, Plaintiffs have suffered unreasonable injuries including greatly diminished use and enjoyment of their property, such as the inability to go walk, work, or engage in recreation outside, or to open their windows, as well as increased discomfort due to irritation of the throat and eyes.

81. As a direct and proximate result of Defendants' acts and omissions creating the above-described nuisance conditions, visitors who visit Plaintiffs' homes, including guests, family members, delivery workers, and repairmen, have complained about the odors and air quality in and around Plaintiffs' home and property. One UPS delivery



person delivering packages to the Clairs' home commented, "I don't know how you live like this."

82. As a direct and proximate result of Defendants' acts and omissions creating the above-described nuisance conditions at and around the CAFO, Plaintiffs' use and enjoyment of their properties have been significantly, unreasonably, and detrimentally impacted.

83. As a direct and proximate result of Defendants' acts and omissions creating the above-described nuisance conditions at and around the CAFO, Defendants have unreasonably damaged the welfare of Plaintiffs and the surrounding public.

#### **COUNT II - NEGLIGENCE**

84. Plaintiffs re-allege and reaffirm each and every applicable allegation set forth above as if fully restated herein.

85. Defendants, during the relevant time period, maintained and/or controlled the conditions of the CAFO.

86. Defendants, as neighbors to Plaintiffs, had and continue to have a duty to prevent and/or mitigate the nuisance conditions emanating from the CAFO from negatively impacting Plaintiffs' ability comfortably to use and to enjoy their property.

87. Defendants, as neighbors to Plaintiffs, had and continue to have a duty and the financial and technical means to operate their CAFO, raise animals, and dispose of animal waste (manure) in a manner and method that does not pose offense, harm, or hazard to Plaintiffs.

88. Defendants, as neighbors to Plaintiffs, had and continue to have a duty and the financial and technical means to formulate and implement a manure management plan for the pig fecal waste that is being excreted throughout the CAFO by the pigs being raised thereon.

89. Defendants, as neighbors to Plaintiffs, had and continue to have a duty and the financial and technical means, amongst other things, to incorporate the pig fecal waste (manure) into the ground within a timely manner so as to reduce the odor and resulting impact and offense on Plaintiffs.

90. Defendants had and continue to have a duty to select appropriate sites for the raising of pigs that are remote, away from impacted neighbors, and that allow for incorporation of fecal waste to reduce impacts.

91. Defendants, as neighbors to Plaintiffs, had and continue to have a duty and the financial and technical means to formulate and implement a manure management plan for the animal manures being generated by animals present at the CAFO.

92. Defendants, as neighbors to Plaintiffs, had and continue to have a duty and the financial and technical means to formulate and implement a manure management plan for any animal manure generated, stored or disposed of at or by the CAFO including near the property line shared by the parties.

93. At all times relevant to this litigation, Defendants knew or should have known that:

a. Exposures to offensive odors, chemicals, and other pollutants contained in pig fecal waste (manure) are commonplace and likely to occur, particularly when

proper operational procedures are not followed;

b. Exposures to offensive odors, chemicals, and other pollutants contained in pig fecal waste (manure) are more likely to occur when said manure is left for prolonged periods of time on the ground and/or on the soil's surface;

c. Exposures to offensive odors, chemicals, and other pollutants contained in pig fecal waste (manure) are more likely to occur when said manure is excreted and, thereafter, mismanaged during heavy rains or strong winds;

d. Exposures to offensive odors, chemicals, and other pollutants contained in pig fecal waste (manure) actually did occur at/near the CAFO;

e. When pig fecal waste (manure) is mismanaged, by allowing the pig manure to lie on the soil's surface for prolonged periods of time, chemical and biological pollutants in the pig manure will form particles and aerosols that can travel great distances in the air, including onto the Plaintiffs' properties;

f. When pig fecal waste (manure) is mismanaged, by allowing the pig manure to lie on the soil's surface for prolonged periods of time, several of the chemical and biological pollutants found in the pig manure (including contains chemicals not limited to volatile organic compounds (VOCs), ammonia, hydrogen sulfide, carbon monoxide, coarse organic matter, nitrogen, phosphorus, potassium, calcium, magnesium, sulphur, copper, zinc, iron, manganese, boron, and molybdenum) are released into the environment, where they will persist years following the disposal;

g. Pig fecal waste (manure) and its chemical composition (including but not limited to volatile organic compounds (VOCs), ammonia, hydrogen sulfide, carbon monoxide, coarse organic matter, nitrogen, phosphorus, potassium, calcium,

magnesium, copper, zinc, iron, manganese, boron, and molybdenum) may expose people to health risks, known and unknown;

h. Pig fecal waste (manure) and its chemical composition (including but not limited to volatile organic compounds (VOCs), ammonia, hydrogen sulfide, carbon monoxide, coarse organic matter, nitrogen, phosphorus, potassium, calcium, magnesium, sulphur, copper, zinc, iron, manganese, boron, and molybdenum) may exacerbate medical conditions like odor-hypersensitivity;

i. Pig fecal waste (manure) and its chemical composition (including but not limited to volatile organic compounds (VOCs), ammonia, hydrogen sulfide, carbon monoxide, coarse organic matter, nitrogen, phosphorus, potassium, calcium, magnesium, sulphur, copper, zinc, iron, manganese, boron, and molybdenum) may cause medical conditions such as burning of the throat and watery eyes, as suffered by Plaintiffs;

j. The offensive odors created by pig fecal waste (manure) and/or its disposal may, and in fact did, irritate the skin, eyes, nose, throat, and lungs of those exposed, like Plaintiffs;

k. The raising of pigs, including the generation and excretion of pig fecal waste (manure), creates offensive odors that impart unreasonable impacts on the surrounding public in ways that damage property values and hinder the rightful use and enjoyment of private property, like Plaintiffs' inability to use and enjoy their own property;

l. The offensive odors created by the raising of thousands of pigs in a confined operation is likely to disrupt the comfortable use and enjoyment of properties,

- a. have impaired, and continue to impair, Plaintiffs' comfortable use and enjoyment of their private residential and recreational property;
- b. have posed, and continue to pose, a threat to the comfortable use and enjoyment of Plaintiffs' private residential and recreational property;
- c. have negatively impacted and otherwise injured, and continue to negatively impact and otherwise injure, the mental and physical health and general well-being of Plaintiffs;
- d. have posed, and continue to pose, a threat to the mental health and general well-being of Plaintiffs; and
- e. have caused, and continue to cause, Plaintiffs to experience medical conditions (headaches, difficulty breathing, burning of the throat, and watery eyes).

**COUNT III - INTENTIONAL INFILCTION OF EMOITONAL DISTRESS**  
**(As to Plaintiff Crystal Clair Against Defendant Peter)**

96. Plaintiffs re-allege and reaffirm each and every applicable allegation set forth above as if fully restated herein.

97. Under Illinois law, a plaintiff may recover for intentional infliction of emotional distress where:

- a. the defendant's conduct was extreme and outrageous;
- b. the defendant intended to cause, or recklessly or consciously disregarded the probability of causing, emotional distress;
- c. the plaintiff suffered severe or extreme emotional distress; and
- d. the defendant's conduct actually and proximately caused emotional distress.

98. As averred above, Defendant Peter has made several threats and attempts to intimidate Plaintiffs and silence their opposition to his ongoing CAFO operation.

99. Defendant Peter has engaged in extreme and outrageous conduct, entering the Clair Plaintiffs' property uninvited and threatening, "If you continue to give me any trouble on this confinement your life and your livelihood will never be the same because I will bring the biggest and baddest pigs I can find."

100. Defendant Peter has engaged in extreme and outrageous conduct, telling neighbors that he was intentionally directing odor and pollutant-generating exhaust fans directly at the Clair Plaintiffs' property in order to "fuck with the Clairs."

101. Defendant Peter's intentional and deliberate actions have caused grave concern to Plaintiffs, for their own wellbeing as well as for the safety of their family members and visitors.

102. As a direct and proximate result of Defendant Peter's actions, Plaintiff Crystal Clair has been caused emotional distress.

**COUNT IV – TRESSPASS**  
**(As to Plaintiffs Crystal and Randall Clair)**

103. Plaintiffs re-allege and reaffirm each and every applicable allegation set forth above as if fully restated herein.

104. Defendants dispose of hog waste in and on application fields in a manner that creates excess runoff that flows onto Plaintiffs Crystal and Randall Clair's property, including into the lake on their property.

105. The presence of hog waste on their property has caused great concerns for Plaintiffs Crystal and Randall Clair for the safety and welfare of themselves, their children, and other visitors to their farm and for the health of their own water supply.

106. Defendants knew, or in the exercise of reasonable care should have known, that the overapplication of hog waste on their application fields would result in runoff of liquid waste onto Plaintiffs Crystal and Randall Clair's property, resulting in diminished comfort, use, and enjoyment of their property; diminished value of the property; and diminished property rights.

107. Defendants knew, or in the exercise of reasonable care should have known, that the overapplication of hog waste containing various chemical and pollutants on their application fields would result in runoff of liquid waste onto Plaintiffs Crystal and Randall Clair's property, resulting in human health hazards, offensive odors, and diminished use and enjoyment of Plaintiffs' property.

108. As a direct and proximate result of the trespass, Plaintiffs Crystal and Randall Clair have been damaged and are entitled to injunctive relief to abate the trespass and other damages alleged herein.

#### **PRAYER FOR RELIEF**

Plaintiffs re-allege and reaffirm each and every applicable allegation set forth above as if fully restated herein.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendants as follows:

- a. general (non-economic) damages;
- b. special (economic) damages;
- c. a temporary restraining order;
- d. a preliminary injunction;
- e. a declaratory judgement;

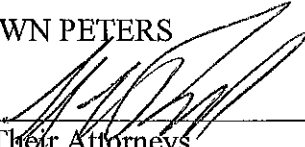
- f. a permanent injunction;
- g. compensatory damages;
- h. consequential damages;
- i. medical/incidental/hospital expense reimbursement;
- j. property/incidental/repair expenses;
- k. future air testing and monitoring expenses;
- l. future water testing and monitoring expenses;
- m. restoration of aesthetics damaged or destroyed;
- n. damages relating to the loss of use and enjoyment of property;
- o. damages relating to diminution of property value;
- p. punitive damages;
- q. attorney fees;
- r. case expenses; and
- s. other further relief as this Honorable Court deems necessary, just, and proper.

Dated: Quincy, IL.  
December X, 2021

PLAINTIFFS,  
CRYSTAL AND RANDALL CLAIR



SHAWN PETERS

  
By: Their Attorneys

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IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
ADAMS COUNTY, ILLINOIS

CRYSTAL AND RANDALL CLAIR and  
SHAWN PETERS,

Plaintiffs,

vs.

COUNTY LINE SWINE, INC. and  
RAGAN PETER,

Defendants.


Case No.:

Civil Action

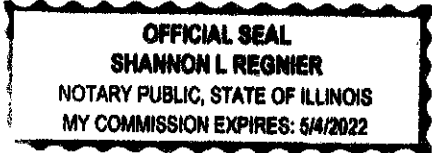
**AFFIDAVIT**

STATE OF ILLINOIS        )  
                                  )        SS  
COUNTY OF ADAMS        )

Attorney Gerald L. Timmerwilke enters his appearance in this cause and states under oath that the Plaintiffs, CRYSTAL CLAIR and RANDALL CLAIR, are seeking damages in the sum of money in excess of \$50,000.00.

  
\_\_\_\_\_  
Gerald L. Timmerwilke

Subscribed and sworn to before me this 2<sup>nd</sup> day of December, 2021.



  
\_\_\_\_\_  
Notary Public

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