

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

MARIA PARSONS and MICHAEL PARSONS,
MARY ANN JONES and JAMES ARTHUR JONES, SR.,
SHANTELL SHAMEA JONES, Individually,
and as the Parent and Natural Guardian of
CARLOS UDAE STEPHENSON, AARON JONES STEPHENSON,
and OZIAH CARSON JONES, Minor Children,
SANDRA WATTS KENNEDY and KEVIN KENNEDY,
Individually, and as the Parents and Natural Guardians
of MURIELLE KEELY KENNEDY, a Minor Child; and
FARINDA OSTEEN, all individually and
on Behalf of a Class of Persons who are Similarly Situated,

Plaintiffs,

v.

CASE NO.:

KOPPERS INC. f/k/a
KOPPERS INDUSTRIES, INC.,
CABOT CORPORATION,
and BEAZER EAST, INC.,

Defendants.

**CLASS ACTION COMPLAINT
JURY TRIAL DEMANDED**

Plaintiffs, MARIA PARSONS and MICHAEL PARSONS, MARY ANN JONES and JAMES ARTHUR JONES, SR., SHANTELL SHAMEA JONES, individually and as the Parent and Natural Guardian of CARLOS UDAE STEPHENSON, AARON JONES STEPHENSON, and OZIAH CARSON JONES, Minor Children, SANDRA WATTS KENNEDY and KEVIN KENNEDY, individually, and as the Parents and Natural Guardians of MURIELLE KEELY KENNEDY, a Minor Child, and FARINDA OSTEEN, all by and through undersigned counsel,

bring this action on their own behalf, and on behalf of a Class of similarly situated persons as defined below against Defendants KOPPERS INC. f/k/a KOPPERS INDUSTRIES, INC., CABOT CORPORATION, and BEAZER EAST, INC., and for their Complaint allege, upon information and belief and based on the investigation to date of their counsel, as follows:

NATURE OF CASE

1. This is a class action arising from conduct by the Defendants -- and/or by their predecessors or other entities whose conduct in connection with the "Cabot Koppers Superfund Site" created conditions and circumstances for which the Defendants are legally accountable and responsible -- which conduct caused and/or allowed toxic and dangerous substances, contaminants, and hazardous materials to leave the Site and contaminate the hereinafter-defined "Class Affected Area."

2. Plaintiffs bring this action individually, and as representatives of, and on behalf of, a class of persons (hereinafter, the "Class Members") who are past or present residents within, or own real property located within, the Class Affected Area, who have been and/or are being legally injured by personal exposure to and/or real property contamination from toxic and dangerous substances, contaminants, and hazardous materials, in such a fashion and to such a degree according to objective criteria for such exposure and contamination as to entitle these persons to obtain from this Court the relief and remedies requested herein.

THE PARTIES

3. Plaintiffs are residents of, and/or owners of real property in the city of Gainesville, Alachua County, in the State of Florida.

4. Defendant, KOPPERS INC. f/k/a KOPPERS INDUSTRIES, INC. (hereinafter referred to as "KOPPERS"), is a Pennsylvania corporation with its principal place of business located at 1750 Koppers Bldg, 436 7th Avenue, Pittsburgh, PA 15219-1800.

5. Defendant, CABOT CORPORATION, is a Delaware corporation with its principal place of business located at Two Seaport Lane, Suite 1300, Boston, MA 02210.

6. Defendant, BEAZER EAST, INC., is a Delaware corporation with its principal place of business located at One Oxford Centre 3000, Pittsburgh, PA 15219.

JURISDICTION AND VENUE

7. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332(d)(2) (diversity jurisdiction), in that (i) there is complete diversity (Plaintiffs are citizens of Florida; and Defendants are domiciled in Pennsylvania and Delaware, and, in all events, not Florida, and, to the extent pertinent, maintain their principal places of business in Pennsylvania and Massachusetts, and in all events, not Florida); (ii) the amount in controversy exceeds \$5,000,000.00 (Five Million Dollars) exclusive of interests and costs; and (iii) there are 100 or more members of the proposed Plaintiff class.

8. Venue lies in this District, pursuant to 28 U.S.C. §1391, because Plaintiffs reside in this Judicial District and/or own real property located in this Judicial District, and a substantial part of the conduct and events giving rise to Plaintiffs' and the Class Members' claims occurred in this Judicial District.

9. This Court also has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between all Plaintiffs and Class Members and Defendants and the amount in controversy exceeds \$75,000.00.

ALLEGATIONS COMMON TO ALL CLAIMS

10. The "Cabot Koppers Superfund Site" (hereinafter "the Site") is an area of approximately 140 acres, located on NW 23d Avenue in the City of Gainesville, in Alachua County, Florida, that is, and/or has been, the location of a commercial wood treatment operation and a commercial charcoal/wood oil production operation and related operations and activities.

11. For purposes of this Complaint, the "Class Affected Area" is that geographic area surrounding the Site, including numerous residences where people of all ages live, including many children who are especially susceptible to the toxic and dangerous contaminants described herein, within which area the Plaintiffs will show -- by objective criteria for contamination of real property by and exposure of persons to toxic and dangerous substances, contaminants, and hazardous materials -- that such contamination and exposure has been and is to such a degree as to injure the legal rights and interests of Plaintiffs and Class Members and entitle them to the relief and remedies requested herein.

12. At this time, the Plaintiffs believe and upon said belief and information that the Class Affected Area is the geographic area within approximately a two-mile radius from the Site, but not including the Site itself. This area is subject to modification according to the evidence as the instant case progresses.

13. The Plaintiffs reside and/or own real property within the Class Affected Area.

14. At times relevant hereto, KOPPERS -- and/or its predecessor(s) or other entities for whose conduct and circumstances created thereby KOPPERS is legally liable and responsible -- owned, acquired, managed, and/or operated the aforesaid wood treatment and/or charcoal/wood oil production operations and related and subsequent operations and activities at the Site.

15. At times relevant hereto, CABOT CORPORATION -- and/or its predecessor(s) or other entities for whose conduct and circumstances created thereby CABOT CORPORATION is legally liable and responsible -- owned, acquired, managed, and/or operated the aforesaid wood treatment and/or charcoal/wood oil production operations and related and subsequent operations and activities at the Site.

16. At times relevant hereto, BEAZER EAST, INC. -- and/or its predecessor(s) or other entities for whose conduct and circumstances created thereby BEAZER EAST, INC. is legally liable

and responsible -- owned, acquired, managed, and/or operated the aforesaid wood treatment and/or charcoal/wood oil production operations and related and subsequent operations and activities at the Site.

17. Defendants, and/or their predecessors or other entities whose conduct in connection with the Site created conditions and circumstances for which the Defendants are legally accountable and responsible, have caused and/or allowed, at relevant times, the following toxic and dangerous substances, contaminants, and hazardous materials, but not limited to the following, to leave the Site and contaminate residences in the Class Affected Area:

(a) Dioxin and dioxin-like compounds which are associated with Pentachlorophenol, a wood preservative employed at relevant times at the Site. Pentachlorophenol and dioxin and dioxin-like compounds are toxic and dangerous substances. More specifically, the term “dioxin” refers to a family of compounds typified by benzene rings with a single or double oxygen bond with associated chlorine atoms in different arrangements which allow for the identification of approximately 70 congeners of “dioxin” and numerous other compounds generally referred to in the scientific literature as “dioxin-like compounds.” All dioxin and dioxin-like compounds are toxic and dangerous to human beings, with one or more dioxins and dioxin-like compounds associated with the development and promotion of cancer, endocrine disruption, central and peripheral nervous system damage, developmental delays in children, diabetes, as well as numerous other adverse health effects, most of which are permanent and lasting in nature. **Children are particularly vulnerable and susceptible to the risks and adverse effects of exposure to dioxin and dioxin-like compounds, because of children's smaller sizes, which makes exposures relatively more potent; and because of children's developmental processes.**

(b) Arsenic is a toxic and dangerous substance associated with one or more wood treatment modalities employed at relevant times at the Site. More specifically, arsenicals in

combination with other compounds generally referred to as copper and chromate formulations with arsenic, known generally as "CCA" were employed at the Site at relevant times in connection with wood treatment operations. These compounds are known carcinogens and are also particularly toxic and dangerous to children.

(c) Polycyclic aromatic hydrocarbons (hereinafter "PAHs") are toxic and dangerous substances. More specifically, among the approximately 10,000 PAHs, benzo(a)pyrene is extraordinarily toxic and dangerous to humans. Human exposure to benzo-a-pyrene is known to be associated with the following: (1) cancer: benzo(a)pyrene, a common PAH, is known to cause lung and skin cancer in laboratory animals and is a human carcinogen; (2) reproductive effects: reproductive problems and problems in unborn babies' development have occurred in laboratory animals that were exposed to benzo(a)pyrene and present a clear risk to humans; (3) organ systems: lungs, liver, skin, and kidneys can be damaged by exposure are at risk for damage resulting from exposure to benzo(a)pyrene. These compounds are also particularly dangerous to children.

18. Upon information and belief, the aforesaid wood treatment and charcoal/wood oil production operations at the Site involved and utilized materials and processes that contained and/or generated the toxic and dangerous substances, contaminants, and hazardous materials described hereinabove.

19. The aforesaid wood treatment and charcoal/wood oil production operations and related conduct and activity at the Site were conducted in such a fashion as to cause and/or allow the toxic and dangerous substances, contaminants, and hazardous materials described herein to leave the Site and enter upon and into the Class Affected Area, resulting in past, current, and (if not corrected) future injurious contamination of real property from, and exposure of residents within the Class Affected Area to, dioxin and dioxin-like compounds; and, upon belief, by arsenic, PAHs, and other toxic and dangerous substances, contaminants, and hazardous materials.

20. Plaintiffs first became on notice of the aforesaid contamination and exposure in the Class Affected Area after testing of a sample of residences in the Class Affected Area was completed and the results reported in February, 2010.

21. Samples taken from residences in the Class Affected Area during January, 2010, showed levels of total dioxins and dioxin-like compounds in indoor household dust that range up to in excess of 1 part per billion. By way of comparison, Florida Department of Environmental Protection soil cleanup target levels for dioxin and dioxin-like compounds are set at 7 parts per *trillion*, which means that the indoor dust sample obtained from one residence in the Class Affected Area exceeded this soil cleanup target level by almost 1000 times. (*See*, Exhibit 1, attached hereto, for a complete Report of Sample Results during the January 2010, testing).

22. The aforesaid contamination in the Class Affected Area and exposure of the Plaintiffs and Class Members thereto in the normal course of their daily lives has proximately caused and created, and in the future will create (unless corrected and abated) a significantly elevated risk of contracting serious latent diseases, disorders, and harm to the physical health and well-being for the Plaintiffs and Class Members, as a result of exposure to the aforesaid toxic and dangerous substances, contaminants, and hazardous materials in the Class Affected Area.

23. The aforesaid contamination in the Class Affected Area has proximately caused and/or in the future will cause (unless corrected and abated) injury and harm to the Plaintiffs' and Class Members' interests in the market value, use value, and/or beneficial enjoyment/value of their residences and/or owned real property, and consequent annoyance, inconvenience, diminished quality of life, and stigma.

24. There exist reasonable and feasible methodologies of property remediation that to a meaningful extent can detect, alleviate, remove, and/or render substantially less dangerous and harmful the aforesaid injurious contamination of real properties in the Class Affected Area.

25. The Plaintiffs and Class Members' exposure to toxic and dangerous substances has been and is at greater than normal background levels and as a result of tortious, negligent, and otherwise culpable conduct for which the Defendants are liable; and as a proximate result of said exposure, the Plaintiffs and Class Members have a significantly increased risk of contracting a serious latent disease or disorder and suffering serious physical injuries and harms; and additionally, according to contemporary scientific principles, there exist reasonably necessary monitoring, screening, and testing regimes, different from those normally recommended in the absence of such exposure, that would make possible the early detection and diagnosis of and harm reduction related to these latent diseases, disorders, and other harms to health and well-being for which the Plaintiffs and Class Members are at an elevated risk as a result of exposure to the aforesaid toxic and dangerous substances, contaminants, and hazardous materials in the Class Affected Area from and originating in the Site.

26. Plaintiffs do not in this lawsuit seek relief or remedy for any present physical injury or disease suffered by any Plaintiff or Class Member.

27. Upon information and belief, each of the Defendants currently has or in the relevant past has had a legal, managerial, operational, ownership, financial, and/or controlling relationship with, interest in, responsibility for, and/or involvement with the Site and/or operations at the Site, in such a fashion and to such a degree as to render each Defendant legally responsible, liable, and accountable for all or a portion of the claims, injuries, damages, remedies, and relief that are asserted, alleged, and sought by the Plaintiff in this action.

28. The Defendants, and/or persons or entities for whose conduct and circumstances created thereby the Defendants are legally liable and responsible, failed to take effective action to prevent, reduce, alleviate, investigate, monitor, evaluate, assess, measure, correct, compensate for, repair, and/or remediate the aforesaid contamination in the Class Affected Area.

29. The conduct complained of herein by the Defendants, and/or their predecessors or other entities whose conduct in connection with the Site created conditions and circumstances for which the Defendants are legally accountable and responsible, including business activities conducted at the Site, was undertaken with conscious disregard or indifference to the rights, welfare, and safety of persons and property within the Class Affected Area; and was reckless, grossly negligent, and/or intentional.

30. Defendants, and/or persons or entities for whose conduct and circumstances created thereby the Defendants are legally liable and responsible, knew or should have known that a high degree of risk existed in the creation, use, management, storage and/or disposal of toxic and dangerous substances, contaminants, and hazardous materials as described herein; and knew or should have known that a substantial likelihood existed that harm might occur should any such substances and materials escape from the Site into the Class Affected Area.

INDIVIDUAL PLAINTIFFS' ALLEGATIONS

31. Plaintiffs MARIA PARSONS and MICHAEL PARSONS reside and own real property in Gainesville, Florida, at 439 NW 37th Avenue; and they own other real property at 514 NW 37th Avenue. Both properties are located within the Class Affected Area

32. The aforesaid past, present, and (if not corrected and abated) future contamination in the Class Affected Area with toxic and dangerous substances, contaminants, and hazardous materials originating from the Site has proximately caused and in the future (if not abated) will cause the Plaintiffs MARIA PARSONS and MICHAEL PARSONS to wrongfully suffer unreasonable harm, conditions, and/or legal injuries, to-wit: (1) an elevated risk of latent disease and other harm to the health and well-being of these Plaintiffs; and/or (2) injury and harm to the market value, use value, and/or beneficial enjoyment/value of their residence and real property, and consequent annoyance and inconvenience, and stigma.

33. Plaintiffs MARY ANN JONES and JAMES ARTHUR JONES, SR., reside and own real property at 319 NW 4th St. in Gainesville, Florida, within the Class Affected Area.

34. The aforesaid past, present, and (if not corrected and abated) future contamination in the Class Affected Area with toxic substances, contaminants, and hazardous materials has proximately caused and in the future (if not abated) will cause the Plaintiffs MARY ANN JONES and JAMES ARTHUR JONES, SR., to wrongfully suffer unreasonable harm, conditions, and/or legal injuries, to-wit: (1) an elevated risk of latent disease and other harm to the health and well-being of these Plaintiffs; and/or injury and harm to the beneficial enjoyment of their residence, and consequent annoyance and inconvenience.

35. Plaintiff SHANTELL SHAMEA JONES, daughter of Plaintiffs MARY ANN JONES and JAMES ARTHUR JONES, SR., is the Parent and Natural Guardian of CARLOS UDAE STEPHENSON (age 6), AARON JONES STEPHENSON (age 3), and OZIAH CARSON JONES (age 5 months), minor children; they all reside at 319 NW 4th St. in Gainesville, Florida, within the Class Affected Area.

36. The aforesaid past, present, and (if not corrected and abated) future contamination in the Class Affected Area with toxic substances, contaminants, and hazardous materials from the Site has proximately caused and in the future (if not abated) will cause the Plaintiffs SHANTELL SHAMEA JONES and her three minor children CARLOS UDAE STEPHENSON, AARON JONES STEPHENSON, and OZIAH CARSON JONES to wrongfully suffer unreasonable harm, conditions, and/or legal injuries, to-wit: (1) an elevated risk of latent disease and other harm to the health and well-being of these Plaintiffs; and/or injury and harm to the beneficial enjoyment of their residence, and consequent annoyance and inconvenience.

37. Plaintiffs SANDRA WATTS KENNEDY and KEVIN KENNEDY reside at 514 NW 31st Lane in Gainesville, Florida, within the Class Affected Area. They are the parents and

natural guardians of MURIELLE KEELY KENNEDY, age 12, a minor child who resides with them.

38. The aforesaid past, present, and (if not corrected and abated) future contamination in the Class Affected Area with toxic and dangerous substances, contaminants, and hazardous materials has proximately caused and in the future (if not abated) will cause the Plaintiffs SANDRA WATTS KENNEDY and KEVIN KENNEDY, and their minor child MURIELLE KEELY KENNEDY, to wrongfully suffer unreasonable harm, conditions, and/or legal injuries, to-wit: (1) an elevated risk of latent disease and other harm to the health and well-being of these Plaintiffs; and/or injury and harm to the beneficial enjoyment of their residence, and consequent annoyance and inconvenience.

39. Plaintiff FARINDA OSTEEN resides and owns real property at 437 NW 29th Ave., Gainesville, Florida, within the Class Affected Area.

40. The aforesaid past, present, and (if not corrected and abated) future contamination in the Class Affected Area with toxic and dangerous substances, contaminants, and hazardous materials has proximately caused and in the future if not abated will cause the Plaintiff FARINDA OSTEEN to wrongfully suffer unreasonable harm, conditions, and/or legal injuries, to-wit: (1) an elevated risk of latent disease and other harm to the health and well-being of this Plaintiff; and/or (2) injury and harm to the market value, use value, and/or beneficial enjoyment/value of her residence and real property, and consequent annoyance and inconvenience, and stigma.

CLASS ALLEGATIONS

Numerosity of the Class

41. Plaintiffs bring this action under Federal Rules of Civil Procedure Rule 23(a) and 23(b)(1), (b)(2), and (b)(3) as a class action on behalf of themselves and all others similarly situated for the purpose of asserting the claims alleged in this complaint on a common basis.

42. Plaintiffs bring this action individually and as representatives of and on behalf of a class of persons who are past or present residents within, or own real property located within, the Class Affected Area, who have been and/or are being legally injured by personal exposure to and/or real property contamination from toxic and dangerous substances, contaminants, and hazardous materials, in such a fashion and to such a degree according to objective criteria for such exposure and contamination so as to entitle these persons to the relief and remedies requested herein.

43. The Class Members are so numerous as to make it impractical to bring them all before this Court. Plaintiffs are unable to state the exact number of Class Members without further discovery.

44. Plaintiffs can adequately represent the Class Members.

Predominance of Common Questions of Law and Fact

45. There are common questions of law and fact affecting the rights of each Class Member for which common relief is sought. The claims asserted by Plaintiffs individually and on behalf of Class Members present questions of fact or law common to the class -- including, *inter alia*, whether Defendants, and/or others for whose conduct Defendants are legally liable and responsible, caused and allowed, and/or failed to take effective action to prevent, reduce, alleviate, investigate, monitor, evaluate, assess, measure, correct, compensate for, repair, and/or remediate the toxic and dangerous contamination in the Class Affected Area as described herein; and whether said conduct entitles Plaintiffs and Class Members to the relief requested herein.

Typicality

46. The claims asserted by Plaintiffs individually are typical of the other Class Members' claims in that the other Class Members also are entitled to relief on the same basis as are the Plaintiffs.

Adequacy of Representation

47. Plaintiffs will fairly and adequately represent and protect the interests of the Class because (i) Plaintiffs have retained counsel experienced in the prosecution of such litigation and counsel will adequately represent the interests of the class; (ii) Plaintiffs and their counsel are aware of no conflicts of interest between Plaintiffs and absent Class members or otherwise; and (iii) Plaintiffs are knowledgeable concerning the subject matter of this action and will assist counsel in the prosecution of this litigation.

Superiority

48. The prosecution of separate actions by individual Class Members would create a risk of inconsistent and varying adjudications that would establish incompatible standards of conduct for the Defendants and Class Members. Adjudication with respect to individual Class Members would as a practical matter be dispositive of the interests of other Class Members who are not parties to such adjudications, thereby impairing or impeding their interests. A class action provides a fair and efficient method for adjudicating this controversy and is superior to the other available methods of adjudication in that (i) neither the size of the Class, nor any other factor, make it likely that difficulties will be encountered in the management of this Class as a class action; (ii) the prosecution of separate actions by individual Class Members, or the individual joinder of all Class Members in this action is impracticable and would create a massive and unnecessary burden on the resources of Courts and could result in inconsistent adjudications, while a single class action can determine, with judicial economy, the rights of each member of the Class; (iii) because of the disparity of resources available to Defendants versus those available to individual Class Members, prosecution of separate actions would work a financial hardship on many Class Members, and (iv) the conduct of this action as a class action conserves the resources of the parties and the Court system and protects the rights of each member of the Class and meets all due process requirements as to fairness to all parties. A

class action is also superior to maintenance of these claims on a claim by claim basis when all actions arise out of the same circumstances and course of conduct.

CAUSE OF ACTION I – STRICT LIABILITY FOR ULTRAHAZARDOUS ACTIVITY

49. Plaintiffs, individually and on behalf of the Class Members, adopt and incorporate by reference all allegations contained in paragraphs 1 through 48 as though fully set forth herein.

50. The conduct of the Defendants, and/or their predecessors or other entities whose conduct in connection with the Site created conditions and circumstances for which the Defendants are legally accountable and responsible, conduct constituted an ultrahazardous activity, because the conduct utilized and/or created ultrahazardous toxic and dangerous substances, contaminants, and hazardous materials as set forth herein; and because said substances, etc. were not contained, properly disposed of, and kept from leaving the Site and entering the Class Affected Area.

51. Because Defendants, and/or their predecessors or other entities whose conduct in connection with the Site created conditions and circumstances for which the Defendants are legally accountable and responsible, engaged in an ultrahazardous activity that caused resulting injury to the interests of the Plaintiffs and Class Members as described herein, the Defendants are strictly liable to Plaintiffs and the Class Members for the injuries and remedies and relief requested herein.

CAUSE OF ACTION II - NUISANCE

52. Plaintiffs, individually and on behalf the Class Members, adopt and incorporate by reference all allegations contained in paragraphs 1 through 48 as though fully set forth herein.

53. Defendants, and/or their predecessors or other entities whose conduct in connection with the Site created conditions and circumstances for which the Defendants are legally accountable and responsible, used the property at the Site in such a fashion as to cause contamination in the Class Affected Area and exposure of the Plaintiffs and Class Members to toxic and dangerous substances; and thereby proximately, materially, and substantially diminished the

value of and unreasonably interfered with Plaintiffs' and the Class Members' use and enjoyment of their interests in real property, and caused them to suffer a significantly increased and elevated risk of latent diseases as described herein.

54. It is unreasonable under all of the circumstances for the Plaintiffs and the Class Members to suffer the harm to their interests in real property described herein, caused by the aforesaid use of and conduct at the Site, without obtaining remedy or relief from the Defendants, and therefore the Defendants are liable to the Plaintiffs for the relief and remedies requested herein under the cause of action of nuisance.

CAUSE OF ACTION III – NEGLIGENCE AND NEGLIGENCE *PER SE*

55. Plaintiffs, individually and on behalf of the Class Members, adopt and incorporate by reference all allegations contained in paragraphs 1 through 48 as though fully set forth herein.

56. Defendants, and/or their predecessors or other entities whose conduct in connection with the Site created conditions and circumstances for which the Defendants are legally accountable and responsible, owed a duty to Plaintiffs and the Plaintiff Class to take appropriate precautions and to possess and exercise the degree of care that an ordinary prudent person would under the same or similar circumstances to avoid the aforesaid contamination of the Class Affected Area with toxic and dangerous substances, contaminants, and hazardous materials..

57. Defendants, and/or their predecessors or other entities whose conduct in connection with the Site created conditions and circumstances for which the Defendants are legally accountable and responsible, breached their duty by, *inter alia*, failing to take appropriate precautions to avoid the escape of toxic and dangerous substances, contaminants, and hazardous materials from the Site, and by failing to adequately train and supervise their employees and agents with regard to proper procedures to prevent the release and spread of toxic and dangerous substances,

contaminants, and hazardous materials into the Class Affected Area; and said breach of duty proximately caused plaintiffs and Class Members to suffer the harms and injuries described herein.

58. In addition, the conduct described herein of allowing and causing contamination within the Class Affected Area by toxic and dangerous substances, contaminants, and hazardous materials constitutes violations of the Florida Air and Water Pollution Act, § 403.011, *et seq.*, Florida Statutes, and/or Florida's Water Quality Assurance Act, § 376.30, *et seq.*, Florida Statutes. Plaintiff and the Class Members are members of the class of people that the Acts were designed to protect, and the harm suffered is of the type that the Acts were designed to prevent. Violations of said Acts constitute negligence *per se*.

59. The Defendants are liable to the Plaintiffs and Class Members for the relief and remedies requested herein under the cause of action of negligence.

CAUSE OF ACTION IV - TRESPASS

60. Plaintiffs, individually and on behalf of the Class Members, adopt and incorporate by reference all allegations contained in paragraphs 1 through 48 as though fully set forth herein.

61. Plaintiffs' and the Class Members' residences and/or owned properties have been impermissibly invaded by toxic and dangerous substances, contaminants, and other hazardous materials from the Site as set forth herein.

62. Defendants, and/or their predecessors or other entities whose conduct in connection with the Site created conditions and circumstances for which the Defendants are legally accountable and responsible, caused or permitted this invasion in furtherance of their business activities.

63. The Defendants are liable to Plaintiffs and Class Members for the relief and remedies requested herein under the theory of trespass.

REQUEST FOR LEGAL AND EQUITABLE RELIEF

WHEREFORE, based upon the foregoing, the Plaintiffs individually and on behalf of the Class Members ask this Court to:

A. Schedule a Class Certification Hearing at the earliest practicable time, permitting reasonable opportunity for the Parties to prepare therefore;

B. Following said hearing, certify a class action pursuant to Federal Rules of Civil Procedure, Rule 23(a) and 23(b)(1), 23(b)(2), and 23(b)(3);

C. Designate Plaintiffs as representatives of the Class, designate their counsel as class counsel, and direct appropriate notice to Class Members;

D. Upon a subsequent decision on the merits for the Plaintiffs and Class Members, enter judgment in favor of Plaintiffs and the Class Members and against the Defendants, and award and order the following legal and equitable remedies and relief based upon the evidence and law:

(1) Require the creation, and funding by Defendants, of a comprehensive community property remediation program to alleviate, remediate, and remove contamination in the Class Affected Area from and by toxic and dangerous substances, contaminants, and hazardous materials originating in and from the Site;

(2) Require the creation, and funding by Defendants, of a comprehensive community medical monitoring program for the detection and diagnosis of and appropriate harm reduction related to the latent diseases, disorders, and other harms to health and well-being for which the Plaintiffs and Class Members are at an elevated risk as a result of exposure to toxic and dangerous substances, contaminants, and hazardous materials originating in and from the Site;

(3) Hold and order that the Defendants are liable to the Plaintiffs and Class Members for (a) compensatory monetary damages for the injuries to Plaintiffs and Class members for which claims are made herein; (b) punitive damages according to law based on the egregiousness of the

conduct causing such injuries; (c) other injunctive and other equitable relief that the evidence shows will protect the Plaintiffs and Class Members from the contamination and exposure described hereinabove; (d) costs; (e) expenses; (f) attorney fees; (g) pre- and post-judgment interest; and (h) other relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs individually and on behalf of the Class Members demand a trial by jury as to all issues so triable.

DATED: April 20, 2010

By: 

Jordan L. Chaikin

Florida Bar Number 0878421

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EXHIBIT 1

Xenobiotic Detection Systems

"Dioxin Bioassays"



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2/8/2010

Report for Tencon for 9 Samples
Received on January 15, 2010

Introduction:

Xenobiotic Detection Systems (XDS) has developed the XDS-CALUX[®] (EPA method 4435) analytical biotechnology method to quantify dioxin-like chemicals. The "dioxin" family of chemicals are some of the most toxic chemicals known and include the polychlorinated dioxins (PCDDs), furans (PCDFs) and biphenyls (PCBs) but may also include the polybrominated dioxin/furans and biphenyls and mixed halogenated species. XDS has a genetically engineered cell line that contains the firefly luciferase gene under trans-activational control of the aryl hydrocarbon receptor (patent # 5,854,010). This cell line can be used for the detection and relative quantification of AhR agonists. Our term for the in vitro assay is Chemical-Activated Luciferase Expression or CALUX[®] assay. The most thoroughly studied and toxic member of the dioxin-like chemicals is 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD, dioxin). Many other members of the family of dioxin-like chemicals are quantified relative to TCDD, since this is the most potent activator of AhR-mediated gene transcription. This relative quantification is known as Toxic Equivalents (TEQs) or bio-TEQ and the results from the XDS-CALUX[®] assay provide a measure of bio-TEQs in a sample. By using a patented clean up method (US patent # 6,720,431) developed by XDS, it allows separation of PCBs from PCDDs/PCDFs so that it is possible to determine that portion of the total bio-TEQ in a sample that is due to each of these classes of compounds.

Statement of Procedure:

Nine samples were received from Tencon on January 15, 2010. The samples were logged in and assigned XDS identification numbers. The sample log in/chain of custody form is included at the end of this report (Appendix 1).

The samples were extracted and cleaned up using our Screen sample processing procedure. The screening mode involves the process and analysis of duplicate aliquots of the samples and recovery is estimated from a matrix specific sample spiked with a 17 PCDD/F congener mix and PCB 126. Using this mode would indicate whether a sample needed to be further analyzed by either the semi-quantitative mode or by chemical analysis. Sample extracts and standards were applied to our genetically engineered cells and induction of luciferase activity quantified. An estimate of dioxin-TEQ contamination of the sample was estimated from a least squares best fit using a four variable Hill Equation of induction of luciferase activity from the standard curve of 2,3,7,8-tetrachlorodibenzo-p-dioxin. The response of the sample was analyzed and compared to associated method blanks. Quality control samples were included with each analysis and all of the results for these control samples were within acceptable ranges. Individual Sample Raw Data sheets are included in this report (appendix 2)

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Report #:
A07805-A07809, A07811-A07814



Summary of Results:

Cell viability: Microscopic examination of the cells following exposure to the sample extracts did not reveal any indication of toxicity to the cells from the sample extracts.

Results

TEQ – a measure of the Toxic Equivalency (TEQ) of Dioxin-Like Chemicals (PCDDs/PCDFs and PCBs) in a sample

XDS sample ID#	Client sample ID#	TEQ (ppt)	
		PCB	Dioxin (PCDD/F)
A07805	411238-1RA & 1RB	25.67	1150.65
A07806	411238-2R	4.26	39.06
A07807	411238-3L	25.28	544.28
A07808	411238-4LA & 4LB	33.57	440.45
A07809	411238-5R	18.26	538.29
A07810	411238-BLANK 1	N/A	N/A
A07811	411238-6L	4.86	33.85
A07812	411238-7R	21.11	223.14
A07813	411238-8R	33.20	320.05
A07814	411238-9RA & 9RB	61.11	760.64

If you have any questions regarding these results, or the methods that were used, please contact us at either (919)-688-4804 or by e-mail at info@dioxins.com.

Ying Gu

2/8/2010

Ying Gu
Lead Chemist

Date

Appendix 1

XDS ID#	Sample ID#	Sample Matrix	Customer ID	Shipment #	Turn-around time (d)	Analysis Requested	Arrival Date
A07805	411238-1RA & 1RB	Dust	Tencon	1009	30	DX/PCB SCREEN	01/15/2010
A07806	411238-2R	Dust	Tencon	1009	30	DX/PCB SCREEN	01/15/2010
A07807	411238-3L	Dust	Tencon	1009	30	DX/PCB SCREEN	01/15/2010
A07808	411238-4LA & 4LB	Dust	Tencon	1009	30	DX/PCB SCREEN	01/15/2010
A07809	411238-5R	Dust	Tencon	1009	30	DX/PCB SCREEN	01/15/2010
A07810	411238-BLANK 1	Dust	Tencon	1009	30	N/A	01/15/2010
A07811	411238-6L	Dust	Tencon	1009	30	DX/PCB SCREEN	01/15/2010
A07812	411238-7R	Dust	Tencon	1009	30	DX/PCB SCREEN	01/15/2010
A07813	411238-8R	Dust	Tencon	1009	30	DX/PCB SCREEN	01/15/2010
A07814	411238-9RA & 9RB	Dust	Tencon	1009	30	DX/PCB SCREEN	01/15/2010

Appendix 2**Sample Raw Data Sheet**

Company Sample ID: 411238-IRA & IRB
 XDS Tracking Number: A07805
 Fraction: PCB
 Sample Size: 0.49 g

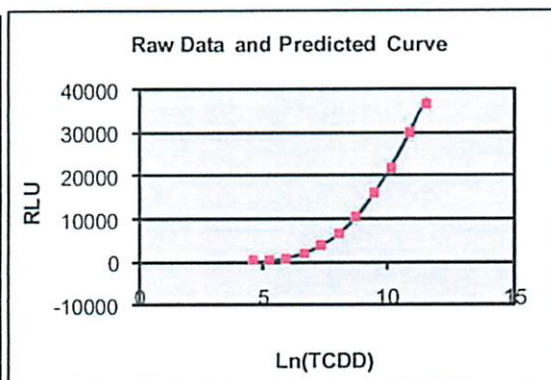
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07805	1: 2	9949	83%	25.67		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	107%	45%	156%	Yes
Dioxin	87%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	83%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	36587	37737.37
50000.00	29768	29621.38
25000.00	21682	22127.95
12500.00	15997	15662.86
6250.00	10553	10455.15
3125.00	6452	6534.33
1562.50	3862	3770.45
781.25	1742	1944.70
390.63	660	816.28
195.31	180	167.26
97.66	26	-176.35



Sample Raw Data Sheet

Company Sample ID: 411238-1RA & 1RB
 XDS Tracking Number: A07805
 Fraction: Dioxin
 Sample Size: 0.49 g

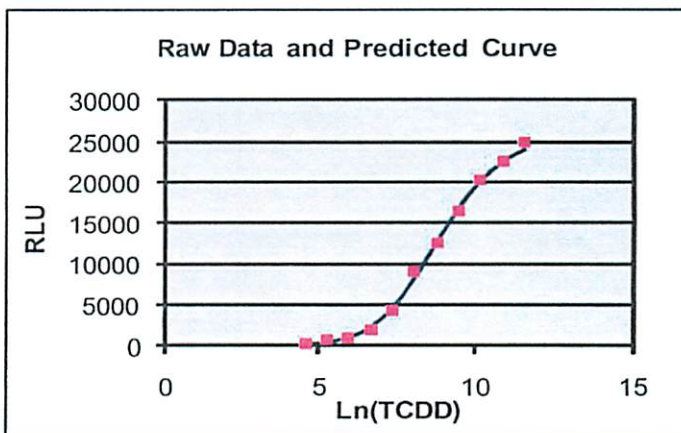
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07805	1: 100	12567	104%	1150.65		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	96%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	104%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	24913	24013.29
50000.00	22645	22511.06
25000.00	20198	20179.46
12500.00	16442	16825.28
6250.00	12543	12602.60
3125.00	9010	8224.05
1562.50	4240	4626.65
781.25	1826	2283.73
390.63	1087	1037.38
195.31	726	477.89
97.66	314	262.77



Sample Raw Data Sheet

Company Sample ID: 411238-2R
 XDS Tracking Number: A07806
 Fraction: PCB
 Sample Size: 0.53 g

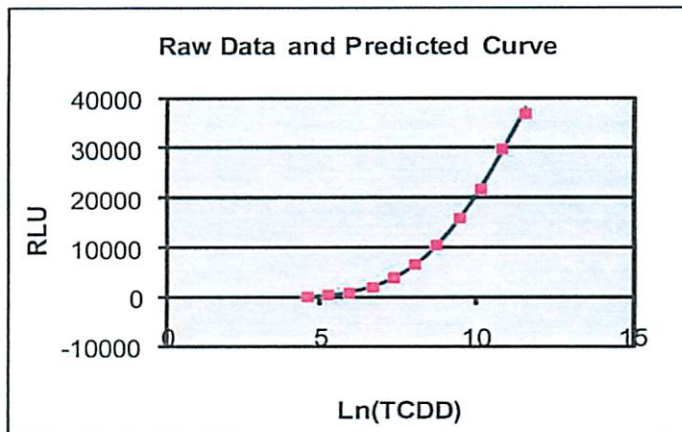
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07806	1: 2	3635	83%	4.26		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	107%	45%	156%	Yes
Dioxin	87%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	83%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	36587	37737.37
50000.00	29768	29621.38
25000.00	21682	22127.95
12500.00	15997	15662.86
6250.00	10553	10455.15
3125.00	6452	6534.33
1562.50	3862	3770.45
781.25	1742	1944.70
390.63	660	816.28
195.31	180	167.26
97.66	26	-176.35



Sample Raw Data Sheet

Company /Sample ID: 411238-2R
 XDS Tracking Number: A07806
 Fraction: Dioxin
 Sample Size: 0.53 g

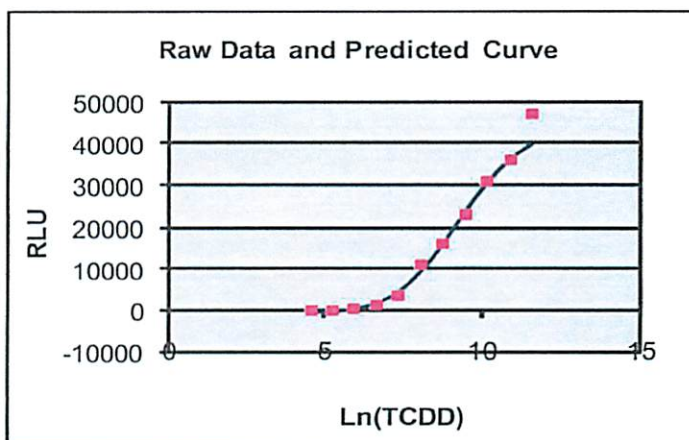
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07806	1: 4	14335	89%	39.06		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	110%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	89%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	47068	39896.67
50000.00	36160	36180.31
25000.00	31185	30819.26
12500.00	23215	23895.63
6250.00	16147	16315.79
3125.00	11061	9568.15
1562.50	3764	4733.88
781.25	1308	1889.36
390.63	521	470.98
195.31	100	-141.70
97.66	-101	-371.61



Sample Raw Data Sheet

Company Sample ID: 411238-3L
 XDS Tracking Number: A07807
 Fraction: PCB
 Sample Size: 0.48 g

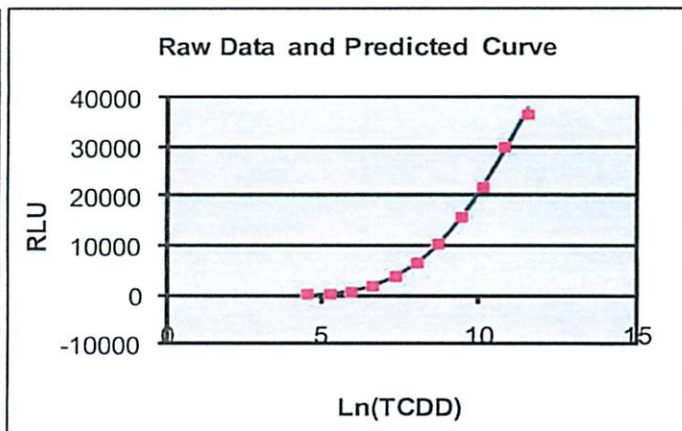
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07807	1: 2	9745	83%	25.28		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	107%	45%	156%	Yes
Dioxin	87%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	83%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	36587	37737.37
50000.00	29768	29621.38
25000.00	21682	22127.95
12500.00	15997	15662.86
6250.00	10553	10455.15
3125.00	6452	6534.33
1562.50	3862	3770.45
781.25	1742	1944.70
390.63	660	816.28
195.31	180	167.26
97.66	26	-176.35



Sample Raw Data Sheet

Company Sample ID: 411238-3L
 XDS Tracking Number: A07807
 Fraction: Dioxin
 Sample Size: 0.48 g

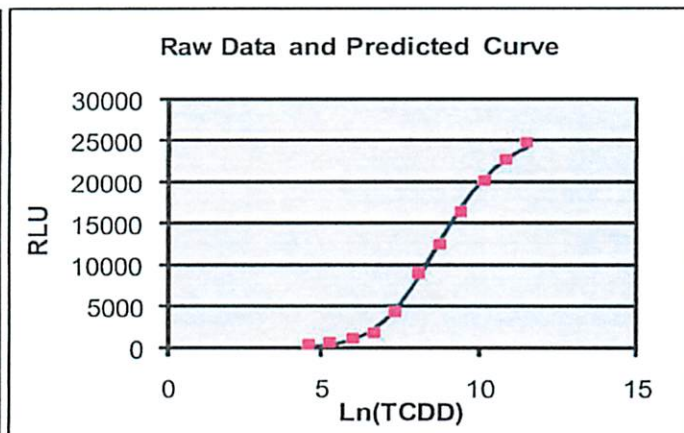
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07807	1: 80	9331	104%	544.28		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	96%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	104%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	24913	24013.29
50000.00	22645	22511.06
25000.00	20198	20179.46
12500.00	16442	16825.28
6250.00	12543	12602.60
3125.00	9010	8224.05
1562.50	4240	4626.65
781.25	1826	2283.73
390.63	1087	1037.38
195.31	726	477.89
97.66	314	262.77



Sample Raw Data Sheet

Company /Sample ID: 411238-4LA & 4LB
 XDS Tracking Number: A07808
 Fraction: PCB
 Sample Size: 0.50 g

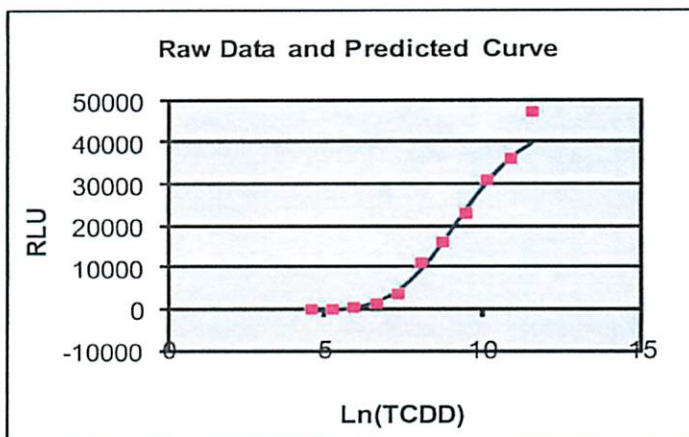
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07808	1: 4	12493	89%	33.57		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	110%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	89%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	47068	39896.67
50000.00	36160	36180.31
25000.00	31185	30819.26
12500.00	23215	23895.63
6250.00	16147	16315.79
3125.00	11061	9568.15
1562.50	3764	4733.88
781.25	1308	1889.36
390.63	521	470.98
195.31	100	-141.70
97.66	-101	-371.61



Sample Raw Data Sheet

Company Sample ID: 411238-4LA & 4LB
 XDS Tracking Number: A07808
 Fraction: Dioxin
 Sample Size: 0.50 g

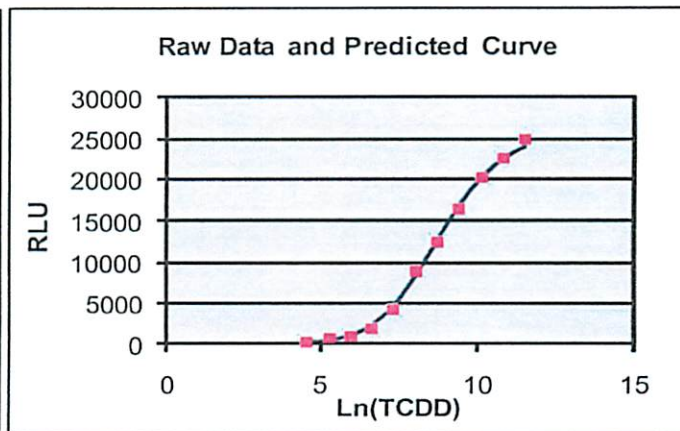
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07808	1: 80	8392	104%	440.45		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	96%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	104%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	24913	24013.29
50000.00	22645	22511.06
25000.00	20198	20179.46
12500.00	16442	16825.28
6250.00	12543	12602.60
3125.00	9010	8224.05
1562.50	4240	4626.65
781.25	1826	2283.73
390.63	1087	1037.38
195.31	726	477.89
97.66	314	262.77



Sample Raw Data Sheet

Company Sample ID: 411238-5R
 XDS Tracking Number: A07809
 Fraction: PCB
 Sample Size: 0.50 g

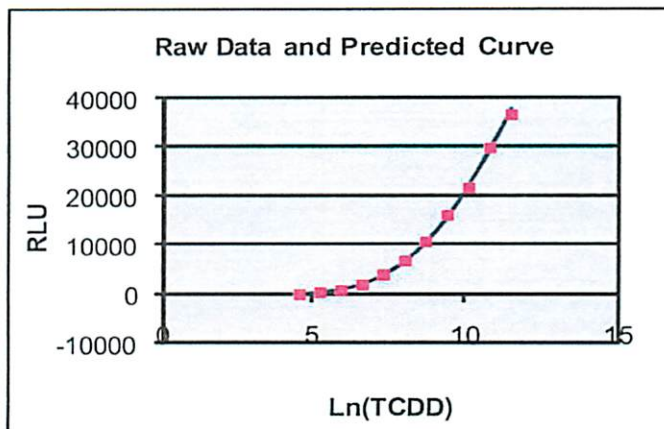
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07809	1: 2	8249	83%	18.26		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	107%	45%	156%	Yes
Dioxin	87%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	83%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	36587	37737.37
50000.00	29768	29621.38
25000.00	21682	22127.95
12500.00	15997	15662.86
6250.00	10553	10455.15
3125.00	6452	6534.33
1562.50	3862	3770.45
781.25	1742	1944.70
390.63	660	816.28
195.31	180	167.26
97.66	26	-176.35



Sample Raw Data Sheet

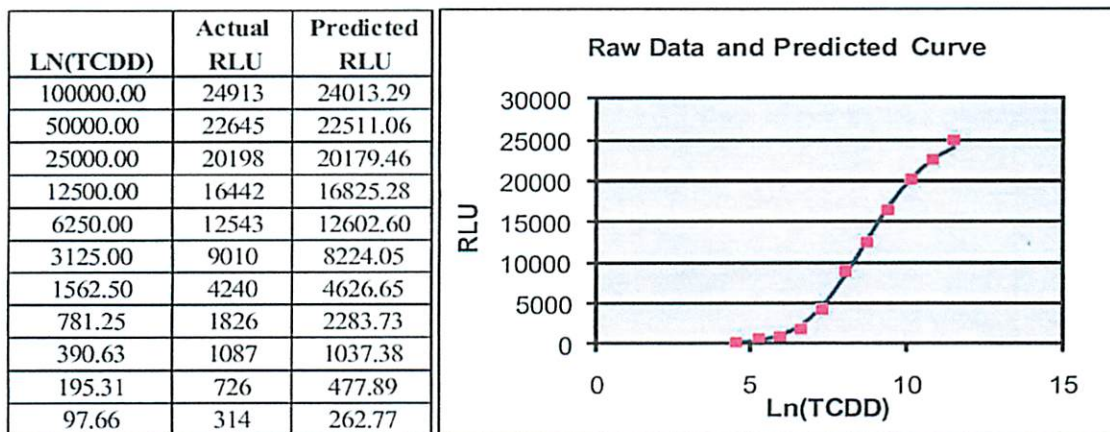
Company Sample ID: MYCO-AD A-Z 09F19EZ
 XDS Tracking Number: A07809
 Fraction: Dioxin
 Sample Size: 0.50 g

Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07809	1: 100	8272	104%	538.29		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	96%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	104%	12%	115%	Yes

Standard Curve & Predictive Curve



Sample Raw Data Sheet

Company Sample ID: 411238-6L
 XDS Tracking Number: A07811
 Fraction: PCB
 Sample Size: 0.44 g

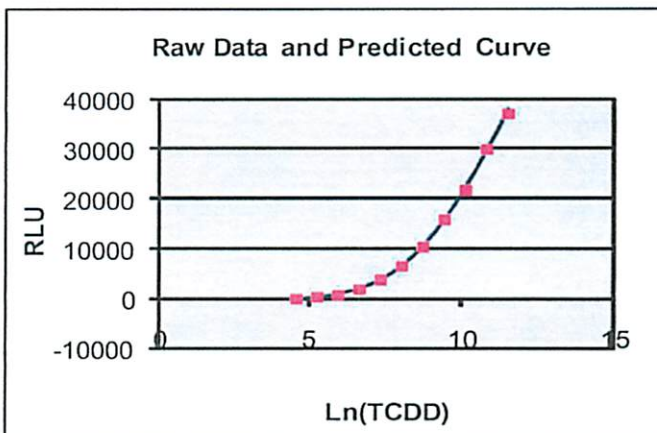
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07811	1: 2	3526	83%	4.86		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	107%	45%	156%	Yes
Dioxin	87%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	83%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	36587	37737.37
50000.00	29768	29621.38
25000.00	21682	22127.95
12500.00	15997	15662.86
6250.00	10553	10455.15
3125.00	6452	6534.33
1562.50	3862	3770.45
781.25	1742	1944.70
390.63	660	816.28
195.31	180	167.26
97.66	26	-176.35



Sample Raw Data Sheet

Company Sample ID: 411238-6L
 XDS Tracking Number: A07811
 Fraction: Dioxin
 Sample Size: 0.44 g

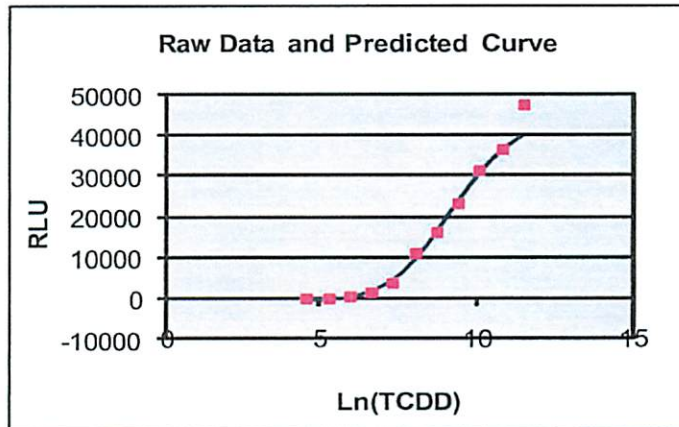
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07811	1: 4	11507	89%	33.85		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	110%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	89%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	47068	39896.67
50000.00	36160	36180.31
25000.00	31185	30819.26
12500.00	23215	23895.63
6250.00	16147	16315.79
3125.00	11061	9568.15
1562.50	3764	4733.88
781.25	1308	1889.36
390.63	521	470.98
195.31	100	-141.70
97.66	-101	-371.61



Sample Raw Data Sheet

Company Sample ID: 411238-7R
 XDS Tracking Number: A07812
 Fraction: PCB
 Sample Size: 0.39 g

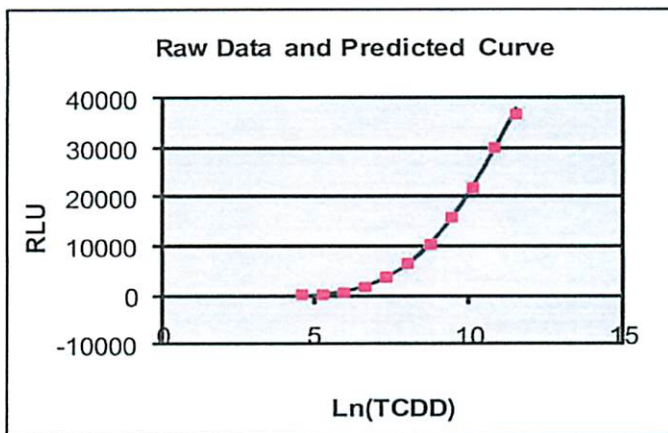
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07812	1: 2	7756	83%	21.11		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	107%	45%	156%	Yes
Dioxin	87%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	83%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	36587	37737.37
50000.00	29768	29621.38
25000.00	21682	22127.95
12500.00	15997	15662.86
6250.00	10553	10455.15
3125.00	6452	6534.33
1562.50	3862	3770.45
781.25	1742	1944.70
390.63	660	816.28
195.31	180	167.26
97.66	26	-176.35



Sample Raw Data Sheet

Company Sample ID: 411238-7R
 XDS Tracking Number: A07812
 Fraction: Dioxin
 Sample Size: 0.39 g

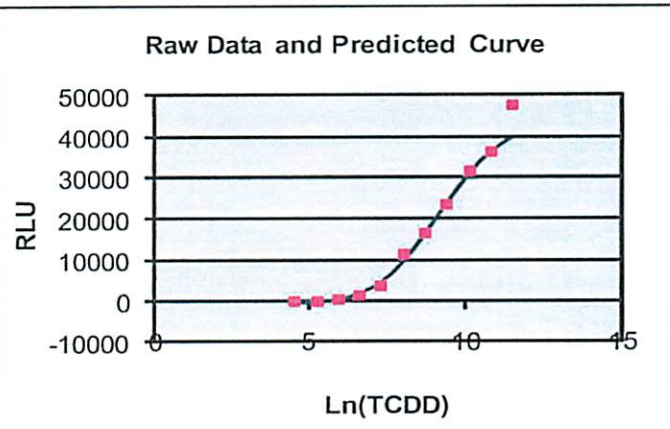
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07812	1: 20	12797	89%	223.14		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	110%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	89%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	47068	39896.67
50000.00	36160	36180.31
25000.00	31185	30819.26
12500.00	23215	23895.63
6250.00	16147	16315.79
3125.00	11061	9568.15
1562.50	3764	4733.88
781.25	1308	1889.36
390.63	521	470.98
195.31	100	-141.70
97.66	-101	-371.61



Sample Raw Data Sheet

Company Sample ID: 411238-8R
 XDS Tracking Number: A07813
 Fraction: PCB
 Sample Size: 0.44 g

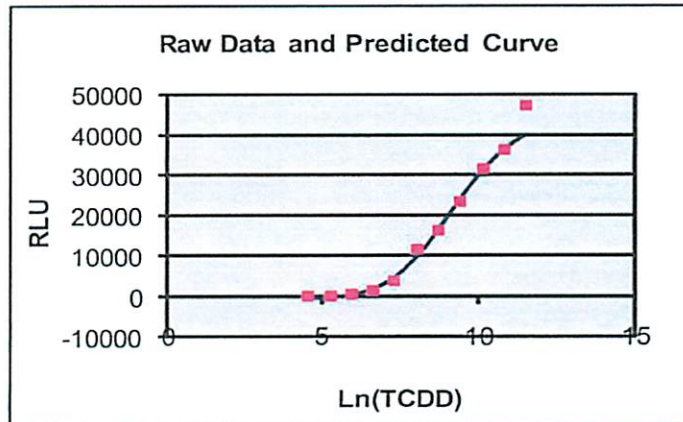
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07813	1: 4	11357	89%	33.20		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	110%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	89%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	47068	39896.67
50000.00	36160	36180.31
25000.00	31185	30819.26
12500.00	23215	23895.63
6250.00	16147	16315.79
3125.00	11061	9568.15
1562.50	3764	4733.88
781.25	1308	1889.36
390.63	521	470.98
195.31	100	-141.70
97.66	-101	-371.61



Sample Raw Data Sheet

Company Sample ID: 411238-8R
 XDS Tracking Number: A07813
 Fraction: Dioxin
 Sample Size: 0.44 g

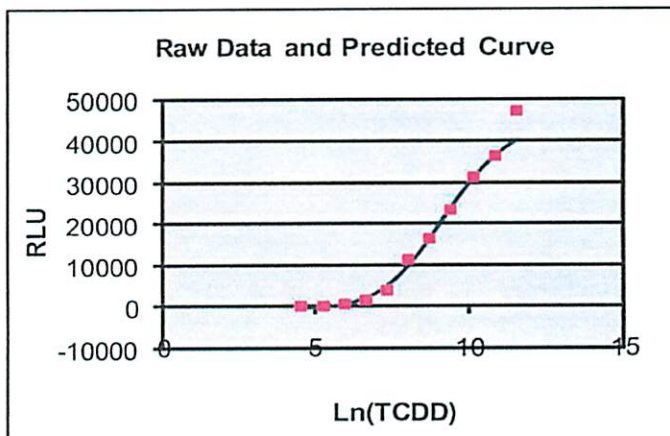
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07813	1: 50	9429	89%	320.05		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	110%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	89%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	47068	39896.67
50000.00	36160	36180.31
25000.00	31185	30819.26
12500.00	23215	23895.63
6250.00	16147	16315.79
3125.00	11061	9568.15
1562.50	3764	4733.88
781.25	1308	1889.36
390.63	521	470.98
195.31	100	-141.70
97.66	-101	-371.61



Sample Raw Data Sheet

Company Sample ID: 411238-9RA & 9RB
 XDS Tracking Number: A07814
 Fraction: PCB
 Sample Size: 0.55 g

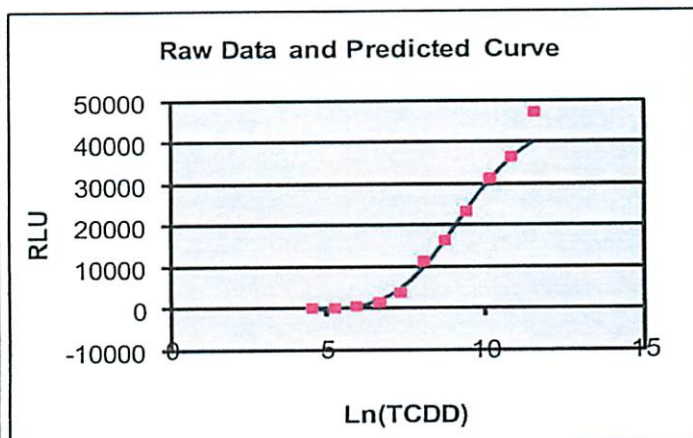
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07814	1: 10	10713	89%	61.11		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	110%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	89%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	47068	39896.67
50000.00	36160	36180.31
25000.00	31185	30819.26
12500.00	23215	23895.63
6250.00	16147	16315.79
3125.00	11061	9568.15
1562.50	3764	4733.88
781.25	1308	1889.36
390.63	521	470.98
195.31	100	-141.70
97.66	-101	-371.61



Sample Raw Data Sheet

Company Sample ID: MYCO-AD A-Z 09F19EZ
 XDS Tracking Number: A07814
 Fraction: Dioxin
 Sample Size: 0.55 g

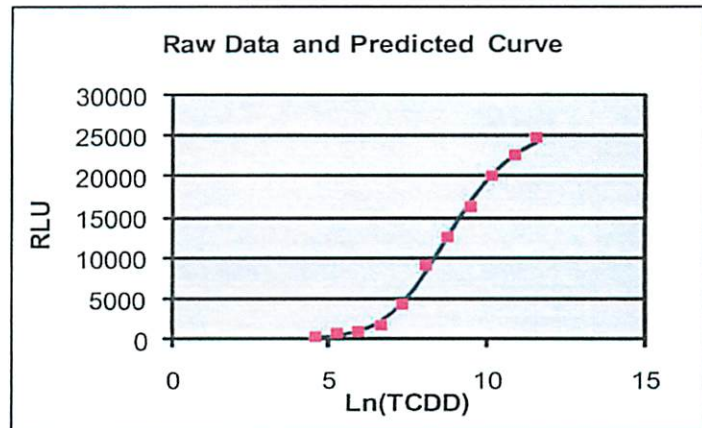
Project Sample #	Sample dilution	RLU	Batch Recovery	Result (TEQ-ppt)	LOD	Meets QC Requirements
A07814	1: 100	10768	104%	760.64		Yes

Plate QC	Plate QC Ratio	Min Ratio	Max Ratio	Meets QC Requirements
PCB	96%	45%	156%	Yes
Dioxin	98%	73%	254%	Yes

Reference Sample	Recovery Ratio	Min Ratio	Max Ratio	Meets QC Requirements
XDS-QC	104%	12%	115%	Yes

Standard Curve & Predictive Curve

LN(TCDD)	Actual RLU	Predicted RLU
100000.00	24913	24013.29
50000.00	22645	22511.06
25000.00	20198	20179.46
12500.00	16442	16825.28
6250.00	12543	12602.60
3125.00	9010	8224.05
1562.50	4240	4626.65
781.25	1826	2283.73
390.63	1087	1037.38
195.31	726	477.89
97.66	314	262.77



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|----------------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant

)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant

)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant

)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: