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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

BARBARA GASTON,

Plaintiff,

v.

STATE OF ALASKA,

Defendant.

Case No. 4FA-19-02411 CI

STATE OF ALASKA,

Third-Party Plaintiff,

v.

3M COMPANY, E. I. DUPONT DE
NEMOURS AND COMPANY, THE
CHEMOURS COMPANY, THE CHEMOURS
COMPANY FC, LLC, DUPONT DE
NEMOURS, INC., CORTEVA, INC., TYCO

GASTON V. STATE
THIRD-PARTY COMPLAINT FOR APPORTIONMENT OF DAMAGES
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CASE NO. 4FA-19-02411 CI
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FIRE PRODUCTS LP, CHEMGuard, INC.,)
JOHNSON CONTROLS INTERNATIONAL,)
PLC, CENTRAL SPRINKLER, LLC, FIRE)
PRODUCTS GP HOLDING, LLC, KIDDE-)
FENWAL, INC., KIDDE PLC, INC., CHUBB)
FIRE, LTD., UTC FIRE & SECURITY)
AMERICAS CORPORATION, INC.,)
RAYTHEON TECHNOLOGIES)
CORPORATION, CARRIER GLOBAL)
CORPORATION, NATIONAL FOAM, INC.,)
ANGUS INTERNATIONAL SAFETY GROUP,)
LTD, BUCKEYE FIRE EQUIPMENT)
COMPANY, ARKEMA, INC., BASF)
CORPORATION, CHEMDESIGN)
PRODUCTS, INC., DYNAX CORPORATION,)
CLARIANT CORPORATION, CHEMICALS)
INCORPORATED, NATION FORD)
CHEMICAL COMPANY, AGC, INC., AGC)
CHEMICALS AMERICAS, INC.,)
DEEPWATER CHEMICALS, INC.,)
ARCHROMA MANAGEMENT, LLC,)
ARCHROMA U.S., INC., and JOHN DOE)
DEFENDANTS 1-49,)
 Third-Party Defendants.)

DEFENDANT'S THIRD-PARTY COMPLAINT
FOR APPORTIONMENT OF DAMAGES

COMES Now the State of Alaska (the "State" or "Third-Party Plaintiff"), by and through its Attorney General, Treg R. Taylor, and pursuant to his constitutional, statutory, and common law authority, including the authority granted by AS 44.23.020, 09.17.080, and Alaska R. Civ. P. 14(c), hereby files its Third-Party Complaint for allocation of fault and equitable apportionment of damages against the named Third-Party Defendants, stating and alleging as follows:

INTRODUCTION AND NATURE OF THE THIRD- PARTY ACTION

1. The State brings this action against Third-Party Defendants for contamination of the natural resources of the State, including but not limited to the lands,



waters, biota, and wildlife, as a result of the release of per- and polyfluoroalkyl substances ("PFAS") into the environment through the handling, use, disposal, and storage of products containing PFAS.

2. PFAS are a class of man-made chemicals that include perfluorooctane sulfonate ("PFOS") and perfluorooctanoic acid ("PFOA").

3. In this Third-Party Complaint, references to PFOS and PFOA also include all of their salts and precursor chemicals.

4. Third-Party Defendants designed, manufactured, marketed, sold and/or assumed or acquired liabilities for the manufacture and/or sale of PFOS, PFOA, and/or products containing PFOS or PFOA, including but not limited to aqueous film-forming foam ("AFFF") (collectively, "Fluorosurfactant Products").

5. PFOS and PFOA present a significant threat to the State's natural resources, properties, and residents. PFOS and PFOA are highly mobile and persistent in the environment, and they are toxic at extremely low levels. Furthermore, they are bioaccumulative and biomagnify up the food chain.

6. Third-Party Defendants designed, manufactured, formulated, distributed, marketed, and/or sold Fluorosurfactant Products with the knowledge that these compounds were toxic and that they would be released into the environment even when used as directed and intended by Third-Party Defendants.

7. Additionally, Third-Party Defendants failed to provide adequate warnings or instructions with their Fluorosurfactant Products, both before and after selling such Products. Third-Party Defendants failed to adequately advise their customers, the public,

or the State about the threats PFOS or PFOA pose to natural resources and human health if released into the environment.

8. Third-Party Defendants, by their actions and/or inactions, bear ultimate responsibility for the release of vast amounts of PFOS and PFOA into Alaska's environment, contaminating the State's water resources, soils, sediments, biota and wildlife, threatening the health, safety, and well-being of the State's residents.

9. Third-Party Defendants' Fluorosurfactant Products have caused and will continue to cause injury to the State's environment, natural resources, properties, and residents.

10. Accordingly, the State, through this action, seeks to equitably allocate fault to each responsible Third-Party Defendant, to make the State whole, and requiring them to pay all costs necessary to fully investigate and determine the various locations throughout Alaska where their Fluorosurfactant Products were used, stored, discharged, released, spilled, and/or disposed, as well as all areas affected by their Fluorosurfactant Products.

11. Likewise, this action seeks to require Third-Party Defendants to pay all costs necessary to investigate, assess, remediate, monitor, filtrate and/or restore the sites in Alaska where their Fluorosurfactant Products were used, stored, discharged, spilled, and/or disposed, including but not limited to the sediment, soil, surface waters, groundwaters, drinking water or water systems located thereon as well as any off-site areas and natural resources that have been contaminated by their Fluorosurfactant Products.

12. Additionally, this action seeks to require Third-Party Defendants to pay all past and future costs incurred by the State in investigating, monitoring, and otherwise responding to injuries and/or threats to public health, as well as damages for harm to the State's natural resources, caused by Third-Party Defendants' Fluorosurfactant Products.

13. Further, Alaska governmental entities that purchased Third-Party Defendants' Fluorosurfactant Products are now forced to spend additional money to properly dispose of any remaining inventory. Such costs are rightfully borne by Third-Party Defendants and, as such, are also sought through this action.

14. Lastly, Third-Party Plaintiff seeks the full allocation of damages against Third-Party Defendants that Plaintiff may be entitled to recover including, but not limited to, property damages to personal and real property, economic and non-economic damages, punitive damages, and all other damages, fees, costs, and equitable relief to which Plaintiff may be entitled.

JURISDICTION AND VENUE

15. This Court has subject matter jurisdiction based upon AS 22.10.020 and Alaska R. Civ. P. 14(c) which grants the State authority to file suit against Third-Party Defendants.

16. The Court may properly exercise personal jurisdiction over these Third-Party Defendants because they regularly conduct business in Alaska and/or have the requisite minimum contacts with Alaska necessary to constitutionally permit the Court to exercise jurisdiction over them pursuant to Alaska's Long-Arm Statute, as codified at AS 09.05.015.

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