

State of Alaska
Treg R. Taylor, Attorney General
Daryl A. Zakov
Department of Law
1031 W. Fourth Avenue, Suite 200
Anchorage, AK 99501
daryl.zakov@alaska.gov
Telephone 907.269.5100
Facsimile 907.276.3697

David Karl Gross
Aaron D. Sperbeck
Birch Horton Bittner & Cherot
510 L Street, Suite 700
Anchorage, AK 99501
dgross@bhb.com
asperbeck@bhb.com
Telephone 907.276.1550
Facsimile 907.276.3680

Attorneys for Plaintiff

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

STATE OF ALASKA ,
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
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,

Case No.4FA-21-01451CI

STATE V. 3M COMPANY, ET AL.
COMPLAINT
01078332.DOCX

CASE NO. 4FA-21-_____ CI
PAGE 1 OF 38

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,
 Defendants.

COMPLAINT

COMES NOW Plaintiff, the State of Alaska, ("Plaintiff" or "the State") and alleges for its Complaint against the above-captioned Defendants as follows:

INTRODUCTION AND NATURE OF THE ACTION

1. Plaintiff brings this action against 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 Complaint, references to PFOS and PFOA also include all of their salts and precursor chemicals.

4. 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. 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 Defendants.

7. Additionally, Defendants failed to provide adequate warnings or instructions with their Fluorosurfactant Products, both before and after selling such Products. 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. 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. 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 require Defendants 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 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 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 Defendants' Fluorosurfactant Products.

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

14. Lastly, Plaintiff seeks from Defendants all damages that Plaintiff is entitled to recover including, but not limited to, property damages to State and local government-owned properties, 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, 44.23.020 and 45.50.501, which grant the State authority to file suit against Defendants. The State seeks damages in excess of \$100,000, the exact amount to be proven at trial.

16. Personal jurisdiction over these Defendants is proper 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.

17. Venue is proper in the Fourth Judicial District at Fairbanks pursuant to Alaska R. Civ. P. 3 in that many of Defendants' unlawful acts and/or practices that give rise to this Complaint were committed in this judicial district.

PARTIES

18. Plaintiff is the State of Alaska, acting by and through its Attorney General, Treg R. Taylor, in its sovereign capacity in order to protect the interests of the State and its citizens. The Attorney General brings this action pursuant to his constitutional, statutory, and common law authority, including the authority granted in AS 44.23.020, and the Alaska Unfair Trade Practices and Consumer Protection Act, AS 45.50.471, *et. seq.*

19. Upon information and belief, the following Defendants, at all times relevant to this action, designed, manufactured, formulated, marketed, distributed, sold, and/or assumed or acquired liabilities for the manufacture and/or sale of Fluorosurfactant Products that Defendants knew or reasonably should have known would enter the State of Alaska and be released into the environment, or otherwise conducted business in the State.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.