

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SUEZ WATER NEW YORK INC., :
 :
 Plaintiff, :
 :
 -against- : Case No. 20-10731
 :
 E.I. DUPONT DE NEMOURS AND :
 COMPANY; DUPONT DE NEMOURS, INC. :
 (F/K/A DOWDUPONT, INC.); DUPONT :
 SPECIALTY PRODUCTS USA, LLC; :
 CORTEVA, INC.; THE CHEMOURS :
 COMPANY; and THE CHEMOURS :
 COMPANY FC, LLC, :
 :
 Defendants. :

COMPLAINT

Plaintiff SUEZ Water New York Inc. (hereinafter, “SUEZ”) hereby files this Complaint against Defendants E.I. DuPont de Nemours and Company, Inc., DuPont de Nemours, Inc., DuPont Specialty Products USA, LLC, Corteva, Inc., The Chemours Company, and The Chemours Company FC, LLC (collectively, the “Defendants”), and alleges as follows:

INTRODUCTION

1. SUEZ brings this action against Defendants jointly and severally for damages sustained as a direct and proximate result of Defendants’ releases of per- and polyfluoroalkyl substances (“PFAS”), including without limitation perfluorooctanoic acid (“PFOA”) and perfluorooctanesulfonic acid (“PFOS”), into New York’s environment. For more than six decades, Defendants, as manufacturers and distributors of PFAS and PFAS-containing commercial and consumer products, have knowingly and willfully discharged PFAS into the air, water, and soil, and placed PFAS and PFAS-containing products into the stream of commerce, resulting in

widespread and long-lasting contamination to natural resources within and throughout New York State—including, pertinently, the water sources that SUEZ relies upon to provide safe drinking water to its more than 500,000 customers in New York.

2. On August 26, 2020, after several years of studying the long-term effects of PFAS, the New York State Department of Health adopted Maximum Contaminant Levels for public water systems. The Maximum Contaminant Levels (“MCLs”) are among the most stringent in the United States, and SUEZ, as the owner and operator of multiple public water systems in New York, must begin testing for PFAS immediately. As a result, and based upon technical analyses of SUEZ’s various sources of public drinking water, SUEZ has been, and will continue to be, required to make significant and costly upgrades to the water treatment infrastructure for its public water systems and will incur significant ongoing costs required to operate and maintain those upgrades, as well as to engage in the regular monitoring of PFAS levels in all water sources necessitated by New York’s adoption of these standards.

3. Defendants were, or reasonably should have been, aware that their acts and omissions directly and proximately caused the release of PFAS into New York’s environment and that such releases could pose hazards to the State’s natural resources, but chose profits over safety and continued to contaminate the environment for more than a half-century. Only recently has the full scope of Defendants’ actions begun to come to light. Moreover, the emerging costs of remedying Defendants’ long-running contamination of New York’s environment are substantial, and those costs have fallen disproportionately upon those whose responsibility it is to provide safe drinking water to New York residents. Therefore, SUEZ brings this action against Defendants in an effort to hold them accountable for the significant harms done to New York’s public water

supplies and to ensure that SUEZ has the resources necessary to continue to provide its customers with drinking water that meets and exceeds New York's newly adopted MCLs.

PARTIES, JURISDICTION, AND VENUE

4. SUEZ is a New York corporation with its principal place of business in West Nyack, New York. SUEZ was established in 1893 and currently has five operating units in New York State which serve customers across Orange, Putnam, Rockland, Tioga, and Westchester Counties. Collectively, these water systems service approximately 123,000 unique connections and provide water to approximately 505,000 individual customers across New York.

5. Defendant E.I. DuPont de Nemours and Company ("DuPont") is a Delaware corporation with its principal place of business in Wilmington, Delaware. DuPont does business throughout the United States, including in this District.

6. Defendant DuPont de Nemours, Inc. (f/k/a DowDuPont) ("New DuPont") is a Delaware corporation with its principal place of business in Wilmington, Delaware. New DuPont does business throughout the United States, including in this District.

7. Defendant DuPont Specialty Products USA, LLC ("DuPont LLC") is a Delaware limited liability company with its principal place of business in Wilmington, Delaware. DuPont LLC does business throughout the United States, including in this District.

8. Defendant Corteva, Inc. ("Corteva") is a Delaware corporation with its principal place of business in Wilmington, Delaware. Corteva does business throughout the United States, including in this District. Corteva is the parent corporation of DuPont and holds certain of New DuPont's assets and liabilities, as well as its agricultural and nutritional businesses.

9. Defendant The Chemours Company ("Chemours") is a Delaware corporation with its principal place of business in Wilmington, Delaware. Chemours does business throughout the

United States, including in this District. Chemours was incorporated as a subsidiary of DuPont on April 30, 2015. On July 1, 2015, DuPont spun off Chemours and created a separate corporate entity to hold its “performance chemicals” business lines, along with certain of DuPont’s environmental liabilities.

10. Defendant The Chemours Company FC, LLC (“Chemours FC”) is a Delaware limited liability company with its principal place of business in Wilmington, Delaware. Chemours FC does business throughout the United States, including in this District. Chemours FC is a subsidiary of Chemours.

11. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332(a) because it is an action between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in the Southern District of New York.

FACTUAL BACKGROUND

Per- and Polyfluoroalkyl Substances (PFAS)

13. PFAS are a group of manufactured fluorinated organic chemicals that are used in a wide variety of industrial and commercial products. Previously, PFAS were commonly referred to as perfluorinated compounds.

14. Due to their unique properties that resist heat, oil, stains, grease, and water, PFAS have played a central role in the manufacture and development of many consumer products since their introduction in the 1940s. Notably, PFAS have been used to produce many consumer and industrial products including carpets, clothing, fabrics for furniture, food packaging, a variety of

cookware, and Defendant-affiliated name brands such as Stainmaster®, Teflon®, Gore-Tex®, and Tyvek®. PFAS have also been put to wide industrial use due to their unique ability to resist harsh chemicals and high temperatures.

15. Two of the most prevalent PFAS are perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), both of which have been widely used and applied in the manufacturing industry. Although the uses of PFOA and PFOS have been gradually phased out in recent years, both chemicals remain prevalent, and consumer products, food, and drinking water continue to be primary sources of exposure to PFAS.

16. The United States Environmental Protection Agency (“EPA”) has found widespread PFAS contamination in the environment, and that the substances have likely been released into the environment in several different ways. For example, EPA found that PFAS can be released during the manufacture, normal use, disposal, and/or biodegradation of consumer products containing PFAS. PFAS may also be released into the air, soil, and water during the manufacture, use, and disposal of PFAS themselves.

17. Once present in the environment, PFAS are extremely persistent and often have degradation periods of years, decades, or longer under natural conditions. PFAS are also highly resistant to chemically aided degradation processes. For these reasons, PFAS are often referred to as “forever chemicals.”

18. Additionally, PFAS are soluble and mobile in water, which greatly amplifies the spread of PFAS beyond the initial sources of introduction into the environment. And, because PFAS, and particularly PFOA, are water-soluble, they can migrate readily from soil to groundwater. Therefore, once PFAS are released into the environment, they are extremely difficult to remove and even more difficult to contain.

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