

STATE OF MICHIGAN

IN THE 29th JUDICIAL CIRCUIT IN AND FOR THE COUNTY OF GRATIOT

CITY OF ST. LOUIS, MICHIGAN,

Plaintiff,

Case No: 07-

CE

-vs-

VELSICOL CHEMICAL CORPORATION,
NWI-1, INC. (F/K/A FRUIT OF THE LOOM, INC.),
LePETOMANE II, Inc. as Trustee of the Fruit of the
Loom Successor Liquidation Trust, LePETOMANE III, Inc.
as Trustee of the Fruit of the Loom Custodial Trust,
EDGEWOOD HILLS GOLF COURSE, INC.,
HIDDEN OAKS GOLF COURSE, INC., and DOES 1-300,

**COMPLAINT FOR DAMAGES
AND OTHER RELIEF**

JURY TRIAL DEMANDED

Defendants.

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COMPLAINT

There is no other pending or resolved civil action
arising out of the transaction or occurrence alleged
in the complaint.

PLAINTIFF CITY OF ST. LOUIS, by and through their attorneys, hereby alleges as
follows, based on information and belief and investigation of counsel:

COMMON ALLEGATIONS

I. SUMMARY OF THE CASE

1. Plaintiff CITY OF ST. LOUIS (“Plaintiff”) owns and operates a public drinking water system that provides drinking water to residents and businesses in and around St. Louis, Michigan. Plaintiff seeks to recover by this action the substantial costs necessary to protect the public and restore and/or replace its damaged drinking water supply wells, which are contaminated by the hazardous chemical, para-Chlorobenzene Sulfonic Acid (p-CBSA) and threatened with imminent contamination by other harmful chemicals.
2. P-CBSA is a by-product of the manufacture of dichlorodiphenyltrichloroethane (DDT), a dangerous pesticide used extensively before it was banned for all practical purposes in the 1970s. In comparison to other DDT-related by-products and wastes, p-CBSA is highly mobile and soluble and known to be a precursor to detection of other harmful chemicals from the same source.
3. There are several sites in and around St. Louis in the vicinity of Plaintiff’s wells where p-CBSA and other harmful chemicals were injected, buried, discharged, disposed of and/or otherwise released into the environment, and from where such chemicals have migrated and continue to migrate in the subsurface, contaminating and imminently threatening to contaminate Plaintiff’s wells and water supply (hereafter “Contaminated Sites.”)
4. The Defendants in this action are the current and/or former operators and/or owners of the Contaminated Sites which are the source and cause of the contamination and threat of contamination to Plaintiff’s wells and Water System.
5. Plaintiff files this lawsuit to recover compensatory and all other damages, including all necessary funds to investigate and monitor any contamination of, or pollution to, Plaintiff’s water supply; to reimburse Plaintiff for the costs of designing, constructing, installing, operating and maintaining the treatment facilities and equipment required to remove p-CBSA and other harmful chemicals from its drinking water supplies and/or of

finding an alternative water supply and constructing a new water system; and, thereby ensuring that the responsible parties bear such expense, rather than Plaintiff and its ratepayers.

II. THE PARTIES

6. Plaintiff is a city in Michigan that is organized as a municipal corporation. Plaintiff owns and operates a public drinking water system which includes, among other elements, drinking water production wells which draw from one or more groundwater aquifers, associated pumping, storage and distribution facilities and equipment, all of which will be referred to collectively in this Complaint as Plaintiff's "Water System." Plaintiff's Water System provides potable water to residents, businesses and government facilities in and around St. Louis, Michigan. Among other things, Plaintiff's Water System includes the right of Plaintiff to appropriate and use groundwater for drinking water supplies from its wells. Plaintiff has a significant property interest in the waters it appropriates and uses from its wells. The past, present and continuing contamination of such waters by p-CBSA, and the imminent threat of contamination by other harmful chemicals, constitutes injury to Plaintiff's Water System for which Plaintiff hereby seeks damages and other appropriate relief.
7. Defendant VELSICOL CHEMICAL CORPORATION ("Velsicol") is a Delaware corporation with its principal place of business in Illinois, which at all times relevant to this action was doing business in St. Louis, Michigan. Velsicol, among other things, owned and operated a DDT manufacturing plant ("plant site") in St. Louis, Michigan, where it, among other things, manufactured, stored, and handled DDT and various DDT-related by-products and wastes, including p-CBSA. At the plant site and other Contaminated Sites Velsicol owned, operated, and/or controlled, Velsicol injected, buried, discharged, disposed of, failed to contain and/or otherwise released into the

environment p-CBSA and other harmful chemicals that are contaminating and/or threatening to contaminate Plaintiff's wells and Water Supply.

8. Northwest Industries ("NWI") purchased Velsicol in 1965. In 1986, NWI became owner of the plant site. NWI eventually became a subsidiary of Fruit of the Loom, Inc ("FTL"). In December 1999, FTL filed for bankruptcy. Defendant NWI-1, Inc. (NWI/FTL Successor) is the reorganized successor of FTL.
9. Defendant Le Petomane III, Inc. is the trustee of the FTL Custodial Trust, a liquidation trust that was formed pursuant to the FTL plan of reorganization and a bankruptcy settlement agreement with the U.S. Environmental Protection Agency (EPA) and several state environmental agencies. The purpose of the Custodial Trust is to manage seven contaminated properties and address the environmental liabilities related to those sites. The Custodial Trust currently owns one or more of the Contaminated Sites.
10. Defendant Le Petomane II, Inc. is the trustee of the FTL Successor Trust, a liquidation trust formed pursuant to the FTL reorganization plan and settlement agreement. The Successor Trust holds assets on behalf of the Custodial Trust to be used for remediation of those seven contaminated properties, which includes one or more of the Contaminated Sites.
11. Defendant HIDDEN OAKS GOLF COURSE, INC. ("Hidden Oaks") is a Michigan corporation and the current owner/operator of a property opposite the main Velsicol plant site that was utilized as an industrial waste burning and disposal ground, which includes one or more of the Contaminated Sites.
12. Defendant EDGEWOOD HILLS GOLF COURSE, INC. ("Edgewood Hills") is a Michigan corporation and a past owner/operator of a property opposite the main Velsicol plant site that was utilized as an industrial waste burning and disposal ground, which includes one or more of the Contaminated Sites.
13. The names and capacities, whether individual, corporate or otherwise, of defendants named herein as DOES 1 through 300, inclusive, are unknown at this time to Plaintiff

who therefore sues said defendants by such fictitious names. Plaintiff will amend the Complaint to show the true names and capacities of said defendants when their identities and capacities have been ascertained.

14. The defendants named in paragraphs 8-13 above and defendant DOES 1 through 300, inclusive, are referred to collectively herein as “Defendants.”

15. When reference is made in this Complaint to any act or omission of any of the Defendants, it shall be deemed that the officers, directors, agents, employees or representatives of the Defendants committed or authorized such act or omission, or failed to adequately supervise or properly control or direct their employees while engaged in the management, direction, operation or control of the affairs of Defendants, and did so while acting within the scope of their duties, employment or agency.

III. JURISDICTION AND VENUE

16. This court has subject matter jurisdiction over this action pursuant to MCL § 600.601 and § 600.605 which provide that the Circuit Courts have jurisdiction of all civil actions and proceedings.

17. Venue is proper in this Circuit Court pursuant to MCL § 600.1629 because the injury occurred and continues to occur in Gratiot County and St. Louis is located in Gratiot County.

18. Jurisdiction and venue in this Court are proper pursuant to Chapter 7, Part 201 of the Michigan Natural Resources and Environmental Protection Act (NREPA), MCLA § § 324.20101 et seq. The amount in controversy exceeds \$25,000, exclusive of interest and costs.

IV. ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION

A. The Contamination

19. P-CBSA is a by-product of the manufacture of DDT, which was historically used as a pesticide in agriculture and to control insects that carried diseases. DDT poses such

substantial risks to human health and the environment that the federal government banned its use in the U.S. in 1972.

20. Neither p-CBSA nor DDT occurs naturally in the environment. P-CBSA has been found at contaminated sites where DDT manufacturing occurred or where wastes associated with the manufacture of DDT were disposed of through burial, dumping, and/or injection into the subsurface and/or spilled or otherwise released into the environment.
21. Because of its physical characteristics, p-CBSA can have an extensive negative impact on human health and the environment. It is highly soluble in water, and is resistant to degradation and adsorption to soil or sediment particles. Once introduced into the subsurface, p-CBSA migrates rapidly through soil and groundwater. Once introduced into an aquifer, p-CBSA moves freely with the groundwater at approximately the rate of the groundwater's flow. P-CBSA has been detected in the groundwater at former DDT manufacturing and waste sites decades after manufacturing ended.
22. P-CBSA was injected, buried, discharged, disposed of and/or otherwise released into the environment at various times in varying amounts at one or more of the Contaminated Sites, and has migrated from the Contaminated Sites through the subsurface and into the groundwater and now contaminates Plaintiff's wells and water supply.
23. No federal or state agency has approved p-CBSA as an additive to drinking water.
24. The presence of p-CBSA in drinking water presents a significant threat to public health and welfare.
25. P-CBSA is known to travel farther and faster in groundwater than other harmful compounds associated with DDT manufacture. As a result of its mobility and solubility, detection of p-CBSA in groundwater is known and expected to be a potential precursor to detection of other harmful contaminants from the same source that migrate more slowly through the subsurface.
26. The Contaminated Sites are contaminated at the surface, subsurface, and in the groundwater beneath with harmful chemicals, including, but not limited to, p-CBSA,

DDT, chlorobenzene, carbon tetrachloride, trichloroethylene (TCE), tetrachloroethene (PCE), polybrominated biphenyl (PBB), lead, polychlorinated biphenyls (PCBs), Tris (2,3-Dibromopropyl) Phosphate (TRIS), and vinyl chloride. These and other harmful chemicals were injected, buried, discharged, disposed of and/or otherwise released into the environment at various times in varying amounts at one or more of the Contaminated Sites, including, but not limited to, the plant site, and are migrating from such sites through the subsurface and now imminently threaten to contaminate Plaintiff's wells and water supply.

B. History of Contamination in St. Louis

27. In 1965, Velsicol took ownership of a 52-acre chemical manufacturing facility on the shores of the Pine River in the city of St. Louis, Michigan. The plant had been operating since 1936. Over the years, a host of different hazardous chemical products were manufactured at the site, including magnesium oxide, DDT, fire retardants consisting of tris (2,3-dibormoproyl) phosphate (TRIS) and polybrominated biphenyls (PBB), soil and grain fumigants such as methyl bromide, and hexabromobenzene (HBB). Velsicol operated the plant until 1978.
28. Velsicol employed poor waste management practices at the plant site, including discharging contaminants directly to the adjacent Pine River. As a result, the site soils became contaminated with PBB, HBB, DDT, TRIS, and other contaminants; the groundwater became contaminated with vinyl chloride, toluene, chlorobenzene, DDT and other contaminants; Pine River sediments became contaminated with PBB, HBB, and DDT, and Pine River fish became contaminated with high levels of PBB, DDT, and other contaminants. There is still a "no consumption" advisory for all species of fish in the Pine River. The plant site is a Contaminated Site.
29. From the 1930s through the 1970s, Velsicol and its predecessor in interest also deposited, stored and/or disposed of p-CBSA and other hazardous wastes at a site known as the "burn pit" or the "golf course site," which is located across the Pine River from the main

Velsicol plant site. Most of the property constituting the golf course site was subsequently transferred to other owners, which include defendant Hidden Oaks and/or Edgewood Hills. The golf course site is a Contaminated Site.

30. Velsicol also dumped, disposed of, injected and/or otherwise released p-CBSA and other hazardous wastes into deep-injection wells in various locations in and around St. Louis. The deep-injection wells are Contaminated Sites.
31. In 1982, as part of a clean-up effort, Velsicol removed contamination located at the golf course site and other Contaminated Sites, deposited these contaminated soils at the main plant site, and attempted to contain the contamination there. Despite these activities, and as a result of Velsicol's wrongful and tortious conduct described herein, the containment system has been and continues to leak various harmful chemicals into both the Pine River and the drinking water aquifer, all to Plaintiff's detriment and injury.

C. Velsicol's Knowledge of p-CBSA's Hazards

32. Velsicol knew or should have known of the grave harm and threat to public health and welfare and the environment that would occur by intentionally, knowingly, recklessly, wantonly, and/or negligently storing, handling, injecting, burying, failing to contain, discharging, disposing of and/or releasing p-CBSA and other harmful chemicals into the environment. Velsicol knew or should have known its actions were threatening widespread pollution of groundwater, contamination of public and private drinking water supplies, and increased costs to public water suppliers and their customers.
33. Velsicol knew that it was substantially certain that its acts and omissions described above would cause injury and damage, including contamination of water supplies by p-CBSA and other harmful chemicals. Velsicol committed each of the above-described acts and omissions knowingly, willfully, wantonly, and with reckless disregard for Plaintiff's rights, health, and safety and those similarly situated. Plaintiff is entitled to an award of

exemplary damages against Velsicol that is sufficient to compensate Plaintiff for the humiliation, outrage, and indignity it has suffered by Velsicol's wanton acts.

D. The Impact of the Contamination on Plaintiff's Water System

34. P-CBSA has been detected in varying amounts at varying times in water extracted from Plaintiff's wells. The detection and/or presence of p-CBSA, and the threat of further detection and/or presence of p-CBSA and other harmful chemicals in the wells, have resulted in significant injuries and damages to Plaintiff.
35. The injuries to Plaintiff caused by Defendants' conduct as alleged herein constitute an unreasonable interference with, and damage to, the limited subterranean supplies of fresh drinking water on which Plaintiff's wells depend and in which Plaintiff has a significant property interest. Plaintiff's interest in protecting the quality of its limited drinking water supplies constitutes a reason personal for seeking damages sufficient to restore and/or replace such drinking water supplies to their pre-contamination condition.
36. Defendants, and each of them, are jointly and severally liable for the damages alleged herein.

COUNT I

**Michigan Natural Resources Environmental
Protection Act Against Velsicol, NWI-1, the
Successor Trust, and the Custodial Trust**

37. Plaintiff realleges each of the preceding paragraphs, and by this reference incorporates each such paragraph as though set forth in full.
38. Plaintiff is a person as that term is used in the Michigan Natural Resources Environmental Protection Act (NREPA), MCLA § 324.20126a(7).
39. P-CBSA is a hazardous substance as defined under NREPA, MCLA § 324.20101, because it poses an unacceptable risk to the public health, safety and the environment and/or may pose substantial present or potential hazard to human health or the environment.

40. Other compounds present at the Contaminated Sites also are hazardous substances as defined under NREPA, MCLA §324.20126a(7), including but not limited to, p-CBSA, DDT, chlorobenzene, carbon tetrachloride, trichloroethylene (TCE), tetrachloroethene (PCE), polybrominated biphenyl (PBB), lead, polychlorinated biphenyls (PCBs), Tris (2,3-Dibromopropyl) Phosphate (TRIS), and vinyl chloride, because they pose an unacceptable risk to the public health, safety and the environment and/or may pose substantial present or potential hazard to human health or the environment.
41. The Contaminated Sites are facilities under MCLA § 324.20101 because they are areas, places, or properties where hazardous substances, including but not limited to p-CBSA, have been released, deposited, disposed of, or otherwise have come to be located in excess of clean-up criteria concentrations and/or other relevant requirements.
42. Hazardous substances as described herein have been released at various times in various amounts at the Contaminated Sites, are migrating from the Contaminated Sites through the subsurface and now contaminate and/or imminently threaten to contaminate Plaintiff's wells and water supply. As a proximate result of such releases, Plaintiff has incurred, and will continue to incur, necessary response costs.
43. Velsicol is jointly and severally liable for Plaintiff's necessary response costs because Velsicol owned and/or operated one or more of the Contaminated Sites at the time of the disposal of the hazardous substances described herein, including but not limited to p-CBSA, and was responsible for activities causing the release and/or the threat of release of such hazardous substances.
44. NWI-1 is jointly and severally liable for Plaintiff's necessary response costs because NWI-1 owned and/or operated one or more of the Contaminated Sites at the time of the disposal of the hazardous substances described herein and was responsible for activities causing the release and/or the threat of release of such hazardous substances.
45. The Custodial Trust is jointly and severally liable for Plaintiff's necessary response costs because it currently owns and/or operates one or more of the Contaminated Sites.

46. The Successor Trust is jointly and severally liable for Plaintiff's necessary response costs because it is the trust of the Custodial Trust.

47. Defendants are jointly and severally liable to Plaintiff for the response activity costs as defined under MCLA § 324.20126a. As a result of Defendants' actions, Plaintiff has and continues to incur necessary response costs, including, not but limited to, monitoring and investigation costs, studies, treatment and/or replacement of wells, and other remedial actions to remove p-CBSA and other harmful chemicals from its drinking water supplies.

WHEREFORE, Plaintiff prays judgment against these defendants as set forth hereafter.

COUNT II

Nuisance Against All Defendants

48. Plaintiff realleges each of the preceding paragraphs, and by this reference incorporates each such paragraph as though set forth in full.

49. Plaintiff is the owner of land, easements and water rights that permit it to extract groundwater for use in its Water System. Plaintiff's injury is separate and distinct from that of the public.

50. Plumes of contamination that originated at the Contaminated Sites have migrated and continue to migrate through the subsurface, contaminating Plaintiff's wells and water supply with p-CBSA and imminently threatening further contamination with other harmful chemicals. Such contamination and the imminent threat of contamination constitute a nuisance.

51. Velsicol and NWI-1 each owned and/or operated the Contaminated Sites at various relevant times and undertook, directed, caused and/or substantially contributed to the injection, burial, failure to contain, discharge, disposal of and/or release into the environment of the p-CBSA and other harmful chemicals that contaminate and/or threaten Plaintiff's wells and water supply, and thereby caused, created, maintained, assisted and/or participated in the nuisance alleged herein.

52. The Custodial Trust and the Successor Trust each currently own and/or operate Contaminated Sites and knew or should have known of the nuisance or the unreasonable risk of nuisance involved and failed to take reasonable steps to abate the condition.
53. Edgewood Hills and Hidden Oaks each owned and/or operated Contaminated Sites at various relevant times and knew or should have known of the nuisance or the unreasonable risk of nuisance involved and failed to take reasonable steps to abate the condition.
54. Plaintiff has not consented to, and does not consent to, the contamination alleged herein. Defendants knew or reasonably should have known that Plaintiff would not consent to this nuisance.
55. The nuisance caused, contributed to, maintained, assisted and/or participated in by Defendants, and each of them, has caused substantial injury and significant harm to Plaintiff's wells and water supply, in which Plaintiff has a significant property interest.
56. The nuisance caused, contributed to, maintained, assisted and/or participated in by Defendants, and each of them, has and continues to substantially and unreasonably interfere with, obstruct and/or disturb Plaintiff's right to appropriate, use and enjoy groundwater from its wells. Plaintiff is specially and adversely affected by the nuisance.
57. As a direct and proximate result of Defendants' unreasonable, reckless and/or ultrahazardous conduct as alleged herein, Plaintiff's wells and water supply have been, and continue to be, contaminated with p-CBSA and are imminently threatened with contamination by other harmful substances, causing Plaintiff significant injury and damage. As a direct and proximate result of Defendants' unreasonable, reckless and/or ultrahazardous conduct as alleged herein, Plaintiff has incurred, is incurring, and will continue to incur, investigation, treatment, remediation and monitoring costs and expenses related to the p-CBSA contamination and threat of further contamination of Plaintiff's Water System in an amount to be proved at trial.

58. For all the reasons set forth in Paragraphs 33 and 34, Plaintiff is entitled to an award of exemplary damages against Velsicol.

WHEREFORE, Plaintiff prays judgment against Defendants as set forth hereafter.

COUNT III

Trespass Against All Defendants

59. Plaintiff realleges each of the preceding paragraphs, and by this reference incorporates each such paragraph as though set forth in full.

60. Plaintiff is the owner and actual possessor of its Water System, which includes drinking water production wells that draw groundwater from one or more aquifers.

61. Plaintiff owns, possesses and actively exercises property rights to appropriate and use groundwater drawn from the drinking water production wells described in the preceding paragraph.

62. Defendants Velsicol and NWI-1 negligently, recklessly and/or intentionally failed to properly control, handle, contain and/or dispose of p-CBSA, such that they proximately caused p-CBSA to enter, invade, intrude upon and injure Plaintiff's possession of property without authorization. Velsicol and NWI-1 negligently, recklessly and/or intentionally failed to properly control, handle, contain and/or dispose of numerous other harmful chemicals, such that they created an imminent threat that such chemicals will enter, invade, intrude upon and injure Plaintiff's possession of property without authorization.

63. Defendants knew that it was substantially certain that pollutants originating at the Contaminated Sites would contaminate groundwater and cause damage to public water supplies.

64. The Successor Trust, the Custodial Trust, Edgewood Hills, and Hidden Oaks knew or should have known of the trespass or the unreasonable risk of trespass and ratified the intrusion on Plaintiff's possession of property by failing to remove or taking reasonable steps to remove the continuing trespass.

65. Plaintiff has not consented to, and does not consent to, the contamination alleged herein.

Defendants knew or reasonably should have known that Plaintiff would not consent to this trespass.

66. As a direct and proximate result of Defendants' unreasonable, reckless and/or ultrahazardous conduct as alleged herein, Plaintiff's wells and water supply have been, and continue to be, contaminated with p-CBSA and imminently threatened with contamination by other harmful substances, causing Plaintiff significant injury and damage. As a direct and proximate result of Defendants' unreasonable, reckless and/or ultrahazardous conduct as alleged herein, Plaintiff has incurred, is incurring, and will continue to incur, investigation, treatment, remediation and monitoring costs and expenses related to the p-CBSA contamination and threat of further contamination of Plaintiff's Water System in an amount to be proved at trial.

67. For all the reasons set forth in Paragraphs 33 and 34, Plaintiff is entitled to an award of exemplary damages against the Velsicol.

WHEREFORE, Plaintiff prays judgment against Defendants as set forth hereafter.

COUNT IV

Negligence Against All Defendants

68. Plaintiff realleges each of the preceding paragraphs, and by this reference incorporates each such paragraph as though set forth in full.

69. Defendants had a duty to Plaintiff and breached their duty to use due care in the storing, containment, handling, and disposal of p-CBSA and other harmful chemicals.

70. Velsicol and NWI-1 had a duty to Plaintiff and breached their duty to use due care by injecting, burying, disposing of, failing to contain and/or otherwise releasing p-CBSA and other harmful chemicals in such a manner that these chemicals have migrated from the Contaminated Sites, contaminated groundwater and now contaminate or imminently threaten to contaminate Plaintiff's wells and water supply.

71. It was foreseeable that harmful chemicals would migrate from the Contaminated Sites and cause Plaintiff injury.
72. The Successor Trust, the Custodial Trust, Edgewood Hills, and Hidden Oaks knew or should have known of the unreasonably dangerous conditions to persons and property outside the land and failed to take reasonable steps to protect Plaintiffs from it.
73. Plaintiff has not consented to, and does not consent to, the trespass alleged herein. Defendants knew or reasonably should have known that Plaintiff would not consent to this trespass.
74. As a direct and proximate result of Defendants' unreasonable, reckless and/or ultrahazardous conduct as alleged herein, Plaintiff's wells and water supply have been, and continue to be, contaminated with p-CBSA and imminently threatened with contamination by other harmful substances, causing Plaintiff significant injury and damage. As a direct and proximate result of Defendants' unreasonable, reckless and/or ultrahazardous conduct as alleged herein, Plaintiff has incurred, is incurring, and will continue to incur, investigation, treatment, remediation and monitoring costs and expenses related to the p-CBSA contamination and threat of further contamination of Plaintiff's Water System in an amount to be proved at trial.
75. For all the reasons set forth in Paragraphs 33 and 34, Plaintiff is entitled to an award of exemplary damages against Velsicol.

WHEREFORE, Plaintiff prays judgment against Defendants as set forth hereafter.

COUNT V

Declaratory Relief Against All Defendants

76. Plaintiff realleges each of the preceding paragraphs, and by this reference incorporates each such paragraph as though set forth in full.
77. An actual controversy exists concerning who is responsible for liability arising out of actual and/or threatened contamination of groundwater resources within Plaintiff's Water System.

78. In order to resolve this controversy, Plaintiff seeks an adjudication of the respective rights and obligations of the parties, in conjunction with an award of damages, to the extent necessary to provide full relief to the Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests a trial of this Action before a jury, and that, upon a favorable verdict, this Court enter judgment in favor of Plaintiff and against Defendants, jointly and severally, as follows:

- a. An award of compensatory damages according to proof;
- b. An award of necessary response costs, including enforcement costs;
- c. Attorneys' fees and costs incurred in prosecuting this action, and prejudgment interest, to the full extent permitted by law;
- d. An award of exemplary damages against Velsicol;

- e. An order declaring that defendants are liable for the full costs of all future investigation, treatment, remediation and monitoring costs and expenses related to the p-CBSA contamination and threat of further contamination of Plaintiff's Water System;
- f. Such other further relief as the Court may deem just and proper.

DATED: April 11, 2007 SHER LEFF LLP

By: _____

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CITY OF SAINT LOUIS

JURY DEMAND

PLAINTIFF CITY OF ST. LOUIS, by and through its attorneys, hereby makes a demand for trial by jury in the above captioned matter.

DATED: April 11, 2007 SHER LEFF LLP

By: _____

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