

**IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA**

LINDA HERNANDEZ, REITA DERRICK,
LISA HARRIER, ANNA HEINZE,
JACQUELYN SCHMIDT,
and LINDA SUPERNOVICH, on behalf of
themselves and all others similarly situated
individuals,

Plaintiffs,

v.

UNITED STATES STEEL
CORPORATION, a Delaware corporation,

Defendant.

CIVIL DIVISION

Case No. GD-19-005325

CLASS ACTION

FIRST AMENDED COMPLAINT

FILED ON BEHALF OF:
PLAINTIFFS LINDA HERNANDEZ,
REITA DERRICK, LISA HARRIER,
ANNA HEINZE, JACQUELYN
SCHMIDT, and LINDA SUPERNOVICH

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JURY TRIAL DEMANDED

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LINDA HERNANDEZ, REITA DERRICK,
LISA HARRIER, ANNA HEINZE,
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CIVIL DIVISION

Case No.: GD-19-005325

Plaintiffs,

**NOTICE TO DEFEND AGAINST
CLAIMS**

v.

UNITED STATES STEEL CORPORATION,
a Delaware corporation,

Defendant.

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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436 Seventh Avenue
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Telephone: (412) 261-5555
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**IN THE COURT OF COMMON PLEAS
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CIVIL DIVISION

Case No.: GD-19-005325

FIRST AMENDED COMPLAINT

Plaintiffs,

v.

UNITED STATES STEEL CORPORATION,
a Delaware corporation,

Defendant.

CLASS ACTION COMPLAINT

Plaintiffs Linda Hernandez, Reita Derrick, Lisa Harrier, Anna Heinze, Jacquelyn Schmidt, and Linda Supernovich, by their attorneys, make the following allegations pursuant to the investigation of their counsel and based upon information and belief, except as to allegations specifically pertaining to themselves and their counsel, which are based on personal knowledge.

SUMMARY OF THE CASE

1. On December 24, 2018, a catastrophic fire erupted at Defendant's Clairton Plant, destroying a building as big as a football field and knocking out the "desulfurization" system Defendant used to remove sulfurous byproducts from the gases emitted to air. For more than three months following the fire, Defendant operated its plant without that system, and in so doing, released *unprecedented* quantities of noxious sulfur dioxide and hydrogen sulfide directly into the Mon Valley air,¹ triggering repeated health alerts from the Allegheny County Health Department,

¹ Allegheny County has a long history of regulatory enforcement litigation over emissions from the Clairton Plant; and the County is in "non-attainment status" with respect to sulfur dioxide emissions for which Defendant is the major source. The emission levels that caused the nuisance

causing widespread nuisance-level discomforts (offensive odor, burning eyes, nose and throat, difficulty breathing, sleep loss, headaches, anxiety), and generally impeding area residents' use and enjoyment of their homes.

2. Plaintiffs are area residents and bring this class action for damages under Pennsylvania common law nuisance and negligence.

3. Plaintiffs seek lost-use-and-enjoyment damages to vindicate private property rights, *not* enforcement of environmental statutes, regulations, or regulatory permits; they seek monetary damages, *not* injunctive relief. Lawsuits for Pennsylvania common law negligence and nuisance—like that here—are distinct from, and not preempted by, federal law. *See Bell v. Cheswick Generating Station*, 734 F.3d 188 (3d Cir. 2013).

4. Plaintiffs allege that Defendant was negligent, and created a nuisance, by failing to exercise the reasonable care that would have prevented the fire, then operating the fire-damaged Plant without the pollution controls needed to avoid class-area harm. The prolonged discomforts experienced throughout the class area (offensive odors, breathing problems, burning eyes, nose and throat, disrupted sleep, anxiety), and the repeated public warnings that alarmed class-area residents and caused them to shutter inside their homes, were all foreseeable. Defendant knew or should have known they would occur.

5. Defendant's conduct was reckless. Compensatory and punitive damages are warranted to redress the harms Defendant caused and deter like conduct in future.

PARTIES

6. Plaintiffs seek to represent all individuals who resided in Braddock, Clairton, Dravosburg, Duquesne, East McKeesport, East Pittsburgh, Elizabeth Borough, Elizabeth

conditions claimed of here, following the fire, are *unprecedented*.

Township, Forward, Glassport, Jefferson Hills, Liberty, Lincoln, McKeesport, North Braddock, North Versailles, Pleasant Hills, Port Vue, Versailles, Wall, West Elizabeth, and West Mifflin.

7. Plaintiff Linda Hernandez has resided in East Pittsburgh, Pennsylvania since August 1998.

8. Plaintiff Reita Derrick has resided in Jefferson Hills, Pennsylvania since August 2018.

9. Plaintiff Lisa Harrier has resided in Glassport, Pennsylvania since July 2016.

10. Plaintiff Anna Heinze resided in Glassport, Pennsylvania from September 2018 to September 2019.

11. Plaintiff Jacquelyn Schmidt has resided in West Mifflin, Pennsylvania since June 1975.

12. Plaintiff Linda Supernovich has resided in Glassport, Pennsylvania since 1980.

14. Defendant is a Delaware Corporation headquartered in Pittsburgh, Pennsylvania. Since 1918, it has operated an integrated steelmaking operation comprised of four Pittsburgh-area facilities known as the Mon Valley Works, including the Clairton, Edgar Thomson, and Irvin Plants in Allegheny County, Pennsylvania.

JURISDICTION AND VENUE

15. This Court has subject-matter jurisdiction over Plaintiffs' negligence and nuisance claims pursuant to 42 Pa. C.S. 931(a) and personal jurisdiction under 42 Pa. C.S. § 530. Venue is proper under Pa. R. Civ. P. § 2179 and 42 Pa C. S. § 931(c). Defendant carries on a continuous and systematic part of its general business in this County. The Plaintiffs and class members are all located in Allegheny County. The cause of action arose in Allegheny County. And the

amount in controversy, exclusive of interest and costs, exceeds the County's \$35,000 ceiling for compulsory arbitration. Allegheny Count Local Rule 1301.

FACTUAL ALLEGATIONS

The Clairton Plant and the December 2018 Fire

16. Defendant's Clairton Plant, located roughly 10 miles southeast of Pittsburgh in Clairton, is the largest coke manufacturing facility in the United States. It produces approximately 4.3 million tons of coke annually for the production of steel. The coke is used in the manufacture of steel slabs at Defendant's Edgar Thomson Plant in Braddock. The steel slabs produced at Edgar Thompson are rolled and treated at Defendant's nearby Irvin Plant, in West Mifflin, to meet customer specifications.

17. Each day, the Clairton Plant operates ten coke oven batteries to produce roughly 10,000 tons of coke from the destructive distillation (carbonization) of more than 16,000 tons of coal. The coke ovens use a high-temperature process—combustion in the absence of oxygen at 1,800 degrees Fahrenheit—to remove sulfur and other impurities from the coal. The process generates hundreds of cubic feet of hazardous, volatile "coke oven" gases (sulfur dioxide, a criteria air pollutant regulated by the Clean Air Act, and other noxious pollutants, including hydrogen sulfide). The coke gas is "desulfurized" at the Plant's processing center before emission to air.

18. The coke oven gas is volatile, and extremely flammable. The Plant's high-temperature, high-pressure industrial process operations are subject to unstable conditions, allowing pressure surges that can cause catastrophic events such as fires and explosions.

19. The risk of coke gas explosions and fires is well known to Defendant. At the Clairton Plant alone, one explosion injured two workers in 2009; and another blew out concrete-

block walls at the plant, bent heavy steel beams, and injured 20 workers in 2010.

20. Properly designed and maintained pressure let-down safety systems, proper maintenance of the plant equipment, and programs ensuring mechanical integrity are essential for preventing such catastrophic events.

21. Years of inadequate maintenance at the Clairton Plant led to a massive fire on December 24, 2018. Defendant asserted that the fire originated from “a mechanical failure in the C-521 vacuum machine area” of the Plant’s gas processing center. A third-party forensic investigators retained by U.S. Steel concluded that the failure was caused by long-term corrosion in numerous pieces of equipment in the affected areas.

22. The fire destroyed a building the size of a football field.

23. The Plant’s desulfurization equipment was disabled; and it took Defendant more than three months to restore it to operation.

Continued Operation with Emissions Uncontrolled

24. After the fire, Defendant chose to continue production without operable desulfurization equipment to remove the sulfurous gases from the waste gases emitted to ambient air. Unable to clean the waste gases, Defendant chose to *spread* the pollution over a wider geographic area by piping these gases to the Irvin and Edgar Thomson Plants and releasing them into the ambient air via flaring stacks at those locations. As a result, the ACHD later learned, the volume of sulfur dioxide and hydrogen sulfide released into the Mon Valley Air had skyrocketed.

25. Defendant knew or should have known this would occur.

26. Within a week after the fire, Defendant reported “elevated hydrogen sulfide” to the ACHD and acknowledged “potential increases” of sulfur dioxide and other pollutants from

the Irvin and Edgar Thomson Plants (where the gases were piped and flared) as well as Clairton. As the ACHD later learned, Defendant's hydrogen sulfide average daily grains had increased *26-fold* above levels measured before the fire, and its sulfur dioxide emissions had increased *36-fold* above levels measured from the plant before the fire. Indeed, the flaring of diverted coke oven gases was pushing *20 additional tons* of sulfur dioxide into the ambient air in a single day—a fact which gravely concerned ACHD.

27. These emissions have caused numerous exceedances of the EPA National Ambient Air Quality standards (NAAQs)—standards set to protect the public against life-threatening health risks. *Far lower measures are sufficient to create the nuisance-level harms claimed here.*

The Post-Fire Emission's Effects on the Class

28. Sulfur dioxide has a pungent chemical smell. When it combines with moisture, including the moisture on the surface of the eyes, throats, and airways, it becomes a severe irritant. Hydrogen sulfide produces—a strong odor of rotten eggs. It, too, causes irritation to the eyes, nose and throat and difficulty breathing.

29. These irritant effects are well established. They were noted by Defendant in its report to the ACHD immediately after the fire. And they have been long recognized, including by Pennsylvania courts. As one such court observed 60 years ago:

[S]ulphur dioxide is a very poisonous gas ... it has a choking effect and produces coughing ...

[H]ydrogen sulphide is a very odoriferous gas with the characteristic odor of rotten eggs ... and continuous exposure to very low concentrations causes malaise, nausea, headaches and, in some cases, shortness of breath;... and irritation of the nasal passages and ... interferes with the[ir] sleep ... and very materially diminishes the usefulness of their homes as places in which to live ... and ... entertain ...”

Evans v. Moffat, 160 A.2d 465 (Pa. Super. 1960).

30. **Plaintiff Hernandez** felt these effects immediately following the fire. Having spent time decorating the outside of her East Pittsburgh home and finishing her holiday shopping around the Class Area on Christmas Eve, she experienced unprecedented levels of chemical and sulfurous odor and an onset of nuisance-level physical discomforts: burning throat, difficulty breathing, headache, persistent coughing, and general malaise. Subsequent visits to urgent care produced no explanation.

31. The fire was announced publically on January 9, 2019. On the same day, the ACHD issued the first in a series of unprecedented health alerts to the 22 Mon Valley communities. The first alert, titled “Mon-Valley Residents Urged to Limit Outdoor Activities Due to Air Quality Concerns” stated:

High concentrations of sulfur dioxide can affect breathing and may aggravate existing respiratory and cardiovascular disease. Sensitive populations include those with asthma, individuals with bronchitis or emphysema, children, and the elderly.... *ACHD is recommending that Mon-Valley residents limit their outdoor activities ... while repairs are being made.*

32. (Similar warnings were repeated over January, February, March, and early April.) Alarmed by the health alerts and her experience over the two weeks before, Plaintiff Hernandez stopped taking her dogs for walks, kept her granddaughter inside, and otherwise limited her activities outdoors. But the headaches, coughing, throat irritation, and difficulty breathing continued throughout January, February, March, and through at least April 4, 2019, interrupted only by vacation excursions outside the Mon Valley-area, during which the symptoms abated.

33. Plaintiffs Heinze, Derrick, Harrier, Schmidt, and Supernovich reported the same effects as Plaintiff Hernandez. After the fire and through at least April 4, 2019, **Plaintiff Heinze** experienced frequent chemical and sulfurous odor and nuisance-level discomforts—burning

throat, congestion in chest and sinuses, burning eyes, headache, shortness of breath, and persistent cough. When she moved to Lemoyne, Pennsylvania, the discomforts abated. While still in Glassport, Heinze kept her windows shut and limited outdoor activity, such as walks, photography, and sitting on her porch. After Heinze saw the ACHD health alerts, she experienced feelings of anxiety that lasted for months.

34. After the fire and through at least April 4, 2019, **Plaintiff Derrick** experienced similar discomforts—burning lungs, shortness of breath, and persistent cough. These discomforts abated when she left the Mon Valley area, but while at her home in Jefferson Hills, Derrick had to keep her windows shut and limit her outdoor activities (*e.g.*, running, yard work, and sitting on her porch); and she suffered anxiety and hopelessness about the pollution and its dangers to her health.

35. After the fire and through at least April 4, 2019, **Plaintiff Harrier** experienced the same frequent discomforts—burning lungs, swollen and sore throat, watery eyes, headaches, congestion, and persistent cough. She kept her windows shut and limited outdoor activities (*e.g.*, walks, gardening, and sitting on her back porch with friends). As a music teacher with a specialty in singing, Harrier was forced to cancel work on multiple occasions because she could not use her voice. She suffered anxiety throughout this period.

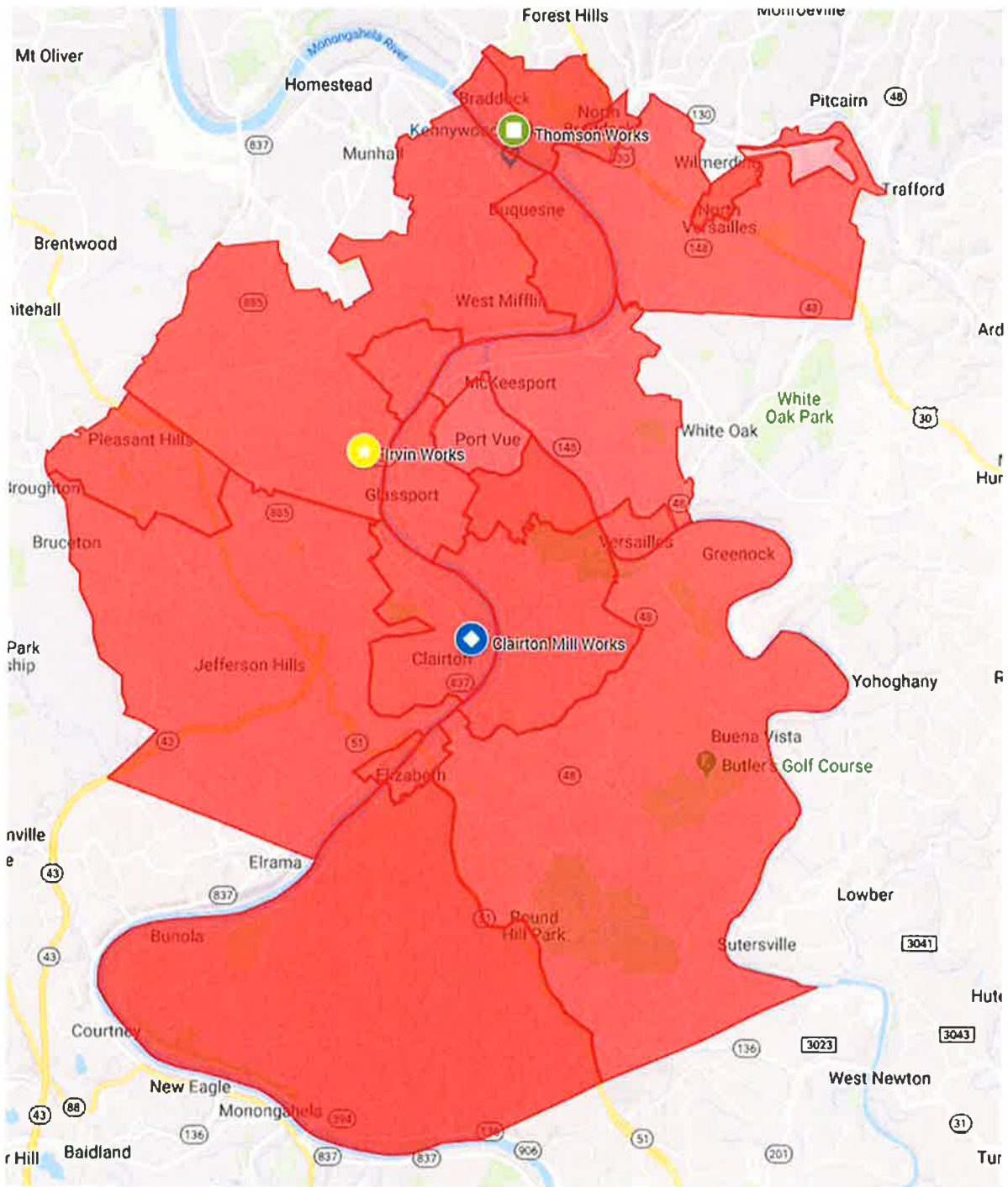
36. After the fire and through at least April 4, 2019, **Plaintiff Schmidt** experienced similar nuisance-level discomforts at her home in West Mifflin, including burning eyes, shortness of breath, headaches, persistent cough, congestion, and repeated flare-ups of her chronic obstructive pulmonary disease (COPD). She kept her windows shut and limited outdoor activities (*e.g.*, gardening, taking a walk, and sitting on her porch), and suffered extreme and constant anxiety and sleeplessness over the pollution and its impact on her deteriorating health.

38. After the fire and through at least April 4, 2019, **Plaintiff Supernovich** experienced burning eyes and throat, congestion, headaches, difficulty breathing, difficulty sleeping, and a persistent cough and recurring bronchitis. She kept her windows shut and limited her outdoor activities (e.g., playing with her dog, walking, doing yard work, and sitting on her porch); and suffered extreme anxiety over the pollution and its impact on her health. When Supernovich visited the Laurel Highlands in southwestern Pennsylvania for a period of time, her symptoms abated.

39. Residents throughout the class-area reported the same effects: difficulty breathing, offensive odors (including in the home), burning throat and eyes, headaches, sleepless nights, anxiety over health risks. *See e.g.*, <https://www.wesa.fm/post/three-months-after-fire-clairton-residents-say-coke-works-emissions-still-affect-quality-life>.

CLASS ACTION ALLEGATIONS

40. Class definition. Plaintiffs file this Class Action pursuant to Pa. R. Civ. P. 1701-17 on behalf of a class of persons who have resided on or after December 24, 2018 in Braddock, Clairton, Dravosburg, Duquesne, East McKeesport, East Pittsburgh, Elizabeth Borough, Elizabeth Township, Forward, Glassport, Jefferson Hills, Liberty, Lincoln, McKeesport, North Braddock, North Versailles, Pleasant Hills, Port Vue, Versailles, Wall, West Elizabeth, and West Mifflin (hereafter, the “Class”).



41. Numerosity (Pa. R. Civ. P. 1702(1)): The Class, as defined in paragraph 26 above, is so numerous that joinder of all class members is impracticable. The exact number of class members is unknown, but it is believed to exceed tens of thousands.

42. Commonality (Pa. R. Civ. P. 1702(2)): There are numerous questions of law and fact common to the Class. Plaintiffs' claims on behalf of the Class arise from a single course of conduct by Defendant, presenting questions of law and fact common to the class, including (1) whether the December 24, 2018 fire was preventable; (2) whether the harms the fire caused were preventable; (3) whether Defendant's conduct was intentional; (4) whether Defendant's conduct was otherwise actionable under the rules governing liability for negligent, reckless, or ultrahazardous conduct; (5) whether the resulting harms to property rights suffered by Plaintiffs and class area residents were foreseeable; (6) whether said harms were significant; (7) whether said harms are greater than the residents should be required to bear without compensation; (8) whether Defendant's conduct warrants punitive damages.

43. Typicality (Pa. R. Civ. P. 1702(3)): Plaintiffs' claims are typical of the claims Plaintiffs assert on behalf of the Class because Plaintiffs and members of the Class have sustained similar types of damages, and their claims arise from the same course of conduct and the same legal theories, as set forth in this Class Action Complaint.

44. Adequacy of Representation (PA. R. Civ. P. 1702(4)): Plaintiffs will fairly and adequately assert and protect the Class members' interests. No conflicts exist in the maintenance of this class action; Plaintiffs' interests are coincident with the interests of the Class.

45. Plaintiffs are determined to discharge their fiduciary duties to the Class members faithfully; they understand that they cannot settle this Class Action without prior Court approval; and they have retained experienced class action counsel, well-experienced in environmental class

action litigation and with adequate financial resources to assure that the interests of the class will be served. Class counsel are handling this matter on a contingent-fee basis, to be compensated for their services only as awarded by this Court.

46. Fair and Efficient Method of Adjudication Claims and Defenses (Pa. R. Civ. P. 1702(5)(a)): This class action will provide a fair and efficient method for adjudication of the Class members' claims and Defendant's defenses.

(a) The common questions of law and fact outlined above, and others, predominate over any question(s) affecting individual Class members only. The evidence necessary to prove Defendant's course of conduct will be the same for every Class member.

(b) Neither the size of the class nor any unusual legal or factual issues present management problems not normally and routinely handled in the management of class actions.

(c) The prosecution of separate actions by Class members would create a risk of adjudications that could, as a practical matter, impair or impede the ability of Class members to protect their interests.

(d) To Plaintiffs' knowledge, no other action is pending asserting claims arising out of the December 24, 2018 fire at the Clairton Plant.²

(f) This forum is appropriate for litigation of this Class Action because Plaintiffs and all Class members are located here and Defendant conducts business here.

In view of the complexities of the technical issues and expenses of litigation, the

² A nuisance, trespass and negligence class action arising out earlier conduct by Defendant, unrelated to the December 24, 2018 fire, is pending in this Court: *Ross v. USX Company*, Case No. GD-17-008663, Court of Common Pleas of Allegheny County.

separate claims of individual class members for lost use and enjoyment of their properties are insufficient in amount to support separate actions. This class action is superior to other available methods for the fair and efficient adjudication of this controversy. The expense and burden of individual litigation effectively makes it impossible for individual Class members to seek redress for the wrongs complained of herein.

COUNT I NEGLIGENCE

47. Plaintiffs repeat and re-allege the allegations set forth above.

48. Defendant had a duty to area residents to exercise ordinary care to prevent foreseeable interference—here, by the release of offensive odors and noxious emissions—with the residents’ use and enjoyment of their properties.

49. Defendant breached said duty to exercise ordinary care by one or more of the following acts, omissions, or failures:

(a) Failing to develop and/or maintain adequate policies and procedures as necessary to prevent the December 24, 2018 Clairton Plant fire;

(b) Failing to develop and implement an adequate mechanical integrity program necessary to prevent any such fires;

(d) Failing to develop, design, construct, inspect, maintain, operate, control, and/or engineer proper gas processing center compressors, piping, and/or pressure letdown devices in fit condition, free from corrosion and corrosion-caused thinning or cracking, as necessary to counter the risk of explosion or fire in its gas processing area; Failing to develop and employ a backup release management plan

to control the release of noxious gas and other harmful emissions in the event of a fire;

(e) Failing to notify Plaintiffs and the Class of the December 24, 2018 Clairton Plant Fire and the hazardous emission levels until January 9, 2019;

(f) Failing to sufficiently reduce production and thereby emissions at the Clairton Plant following the December 24, 2018 fire and until the emission reduction system was repaired and functioning; and/or

(d) Otherwise failing to develop, design, construct, inspect, maintain, operate, control and/or engineer its Clairton Plant to prevent catastrophic fires and uncontrolled releases of noxious gas and other harmful emissions.

50. As a direct and proximate result of one or more of Defendant's failures to exercise ordinary care, Plaintiffs' and Class Members' properties have been invaded, for more than three months, by offensive odors and noxious emissions during and following the December 24, 2018 fire.

51. As a direct, proximate, and foreseeable result of one or more of Defendant's failures, acts or omissions, Plaintiffs and class members have suffered damages.

52. Defendant's conduct was grossly negligent and/or reckless. Defendant allowed conditions to exist that caused noxious odors and other harmful emissions to physically invade Plaintiffs' and class members' properties, and thus demonstrated a substantial lack of concern for whether injury resulted to Plaintiffs' or class members' properties.

WHEREFORE, Defendant is liable in negligence to compensate Plaintiffs and residents throughout the class area for the lost use and enjoyment of their properties caused by Defendant's failures of duty, and for punitive damages.

COUNT II
PRIVATE NUISANCE (UNINTENTIONAL)

53. Plaintiffs repeat and re-allege the allegations set forth above.

54. For the reasons described above in paragraphs 34 through 38, Defendant's conduct was negligent, reckless or abnormally dangerous.

55. As a result of Defendant's conduct, as described above, Defendant's emissions encroached Plaintiffs' and Class members' private rights to use and enjoy their land.

56. The encroachment caused significant harm to Plaintiffs' and Class members' properties by creating conditions at said properties any normal person would find definitely offensive, seriously annoying, or intolerable.

WHEREFORE, Defendant is liable in unintentional private nuisance for damages to compensate Plaintiffs and residents throughout the Class area for the lost use and enjoyment of their properties caused by Defendant's failures of duty, and for punitive damages.

COUNT III
PRIVATE NUISANCE (INTENTIONAL)

57. Plaintiffs repeat and re-allege the allegations set forth above.

58. Defendant's decision to continue to operate its plant without desulfurization controls created nuisance-level conditions at Plaintiffs' properties and properties throughout the Class area, unreasonably interfering with Plaintiffs' and Class members' rights and privileges to use and enjoy their properties.

59. Defendant's conduct was the legal cause of the resulting harms.

60. The invasion of the residents' property was substantial.

61. The invasion was intentional, as the harms to the Class area residents was substantially certain to result from Defendant's decision to operate before desulfurization controls had been restored.

62. The invasion was unreasonable. The harms were serious, the financial burden of compensating Plaintiffs and others will not make continuation of Defendant's operation infeasible, and hence the harm resulting from the invasion is greater than the residents should be required to bear without compensation.

WHEREFORE, Defendant is liable in intentional private nuisance for damages to compensate Plaintiffs and residents throughout the Class area for the lost use and enjoyment of their properties caused by Defendant's intentional conduct, and for punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and the Class, pray for relief as follows:

- A. Certification pursuant to Pa. Rule of Civil Procedure 1702 of a Class of all persons living, during the period since December 24, 2018, in the Braddock, Clairton, Dravosburg, Duquesne, East McKeesport, East Pittsburgh, Elizabeth Borough, Elizabeth Township, Forward, Glassport, Jefferson Hills, Liberty, Lincoln, McKeesport, North Braddock, North Versailles, Pleasant Hills, Port Vue, Versailles, Wall, West Elizabeth, and West Mifflin;
- B. Judgment in damages against Defendant to compensate Plaintiffs and the Class members for the loss of use and enjoyment;
- C. Judgment for punitive damages against Defendant.
- D. Prejudgment and post judgment interest as provided by law;

E. All further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiffs, on behalf of themselves and the Class, demand a trial by jury.

DATED: December 17, 2019

MINER, BARNHILL & GALLAND, P.C.

By: 
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David Baltmanis*
Matthew F. Owens*
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**FEINSTEIN DOYLE PAYNE
& KRAVEC, LLC**

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jpietz@fdpklaw.com

Counsel for Plaintiff and the Class

VERIFICATION

I, Reita Derrick, VERIFY that I am the plaintiff in this action and that the statements made in the foregoing State Court Class Action Complaint as to me are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 11/7/19

By: 

Reita Derrick
Plaintiff

VERIFICATION

I, Lisa Harrier, VERIFY that I am the plaintiff in this action and that the statements made in the foregoing State Court Class Action Complaint as to me are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 11/19/19

By: 
Lisa Harrier
Plaintiff

VERIFICATION

I, Anna Heinze, VERIFY that I am the plaintiff in this action and that the statements made in the foregoing State Court Class Action Complaint as to me are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 11/22/2019

By: 
Anna Heinze
Plaintiff

VERIFICATION

I, Jacquelyn Schmidt, VERIFY that I am the plaintiff in this action and that the statements made in the foregoing State Court Class Action Complaint as to me are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 3 November 2019

By: Jacquelyn Schmidt
Jacquelyn Schmidt
Plaintiff

VERIFICATION

I, Linda Supernovich, VERIFY that I am the plaintiff in this action and that the statements made in the foregoing State Court Class Action Complaint as to me are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 11/10/19

By: 
Linda

Supernovich

Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's First Amended Complaint was served upon counsel of record by Electronic Mail this 17th day of December, 2019, addressed as follows:

Kathy K. Condo, Esquire
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