

In The Court of Common Pleas
Franklin County, OH

<p>Josh Hickman Jayden Hickman Brianna Barr Abigail Hickman Colton Hickman Kierra Barr 130 East Main Street East Palestine, OH 44413</p> <p>And</p> <p>Michael Abraham 107 TWP. Road 294 Salineville, OH 43945</p> <p>And</p> <p>Barbara Adams 3275 Sycamore Drive New Waterford, OH 44445</p> <p>And</p> <p>Eric Akenhead Inda Akenhead Eric Akenhead O/B/O Riley Akenhead 174 Edgeworth Ave East Palestine, OH 44413</p> <p>And</p> <p>Mary Akenhead 408 East North Ave East Palestine, OH 44413</p> <p>And</p> <p>Christopher Ralph Albright Christopher Albright O/B/O Evalynn Claire Albright Jessica Lee Albright</p>	<p>Judge:</p> <p>Case No.</p> <p>JURY DEMAND</p>
---	---

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Enon Valley, PA 16120

And

Brandon Quimby

Elliot Quimby

1134 Eckert Road
Monaca, PA 15061

And

Stephanie Quinones

Jahirra Harris

**Stephanie Quinones O/B/O Gabrielle
Harris**

203 West Clark St.
East Palestine, OH 44413

And

Susie Rains
Susie Rains O/B/O Emma Rains
429 Calla Road
Poland, OH 44514

And

Samantha Ratliff
Samantha Ratliff O/B/O Layla Ratliff
Chad Ratliff
420 East Main Street,
East Palestine, OH 44413

And

Paula Richards
332 Alice Street
East Palestine, OH 44413

And

Keith Richael
Julie Richael
419 E North Ave
East Palestine, OH 44413

And

Destiny Riley
Destiny Riley O/B/O Cloey Wilson
Destiny Riley O/B/O Jaina Riley
6651 Gorby Road
East Palestine, OH 44413

And

Christopher Michael Rimoldi

Christopher Michael Rimoldi O/B/O
Calleigh Elizabeth Rimoldi
Amanda Sue Lannon
Christopher Edward Rimoldi
419 East Clark Street
East Palestine, OH 44413

And

Stacey Rinehart
846 W. Ohio Ave.
Sebring, OH 44672

And

Dylan Rizzo
348 Oak Spring Road
Marianna, PA 15345

And

Edson Rodgers
Pilar Rodgers
362 E. Palestine Road
Darlington, PA 16115

And

Trisha L. Russell
102 Locust Street
New Galilee, PA 16141

And

Jason Ryhal
Jason Ryhal O/B/O Kinsley Ryhal
5414 Jimtown Road
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And

Janet Sabo
Randall Sabo
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East Palestine, OH 44413

and

Crystal Ann Sadenwasser
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East Palestine, OH 44413

And

Sharon Saltsman
Gary Saltsman
Heather Green
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Salem, OH 44460
And

Craig Steven Saunders
Sharon Lynn Saunders
2944 Clayton Road
Beavers Falls, PA 15010

And

Cheryl Savranksy
Joel Savranksy
616 Park Ave
East Palestine, OH 44413

And

Dakota Schreffler
Kelly See
308 E Highland Ave
East Palestine, OH 44413

And

Larry Scragg
Connie Scragg
49563 McClure Road
East Palestine, OH 44413

And

Tammy Sentz
William Sentz
Tahna Sentz
6697 Gorby Road
East Palestine, OH 44413

And

Stacey Sevacko
Stacey Sevacko O/B/O Kai Sevacko
Stacey Sevacko O/B/O Leela Hughes
Jaylee Sevacko
Drennen Sevacko
Jerry Hughes
Jerry Hughes O/B/O Madalynn Hughes
Jerry Hughes O/B/O John Demarco
8494 High St. NE
Warren, OH 44484

And

Brody Shaeffer
163 Wood St.
East Palestine, OH 44413

And

Randy Shafer
Aiden Wayne Shafer
Jaylyn Belle Shafer
5300 Carbon Hill Road
East Palestine, OH 44413

And

Tammy Sheets
Tammy Sheets O/B/O Lillian Sheets
Tammy Sheets O/B/O Mayson Sheets
Tammy Sheets O/B/O Cecilia Mahon
Tammy Sheets O/B/O Benhamin Mahon
Earl Sheets
Mia Sheets
Sarah Mullins
Dorian Sheets

Dorian Sheets O/B/O Aayrian Sheets

Randall Sheets

6988 Carbon Hill Road,
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And

Gail Shook

13921 Springfield Road Lot 13 N
New Springfield, OH 44443

And

Christina Sicheloff

155 Lime Kiln Road
Darlington, PA 16115

And

Rhonda Simmons

Paul Simmons

5220 Adams Road
East Palestine, OH 44413

And

David Singleton

1126 South Mill St. Apt 12
New Castle, PA

And

Monica Yvette Sosa

2515 Oakdale Street
Seffner, FL 33584

And

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Ruth Souders

Haylee Smith

3939 N. Pleasant Dr.
East Palestine, OH 44413

And

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90 Washington Blvd
Youngstown, OH 44512

And

Lisa Sperling

5056 Bye Road
Rogers, OH 44455

And

Michael Springer

76 Leake Street
East Palestine, OH 44413

And

Mandi Stanfield

Dean Knepp

Mandi Stanfield O/B/O Janelle Knepp

Mandi Stanfield O/B/O Lexi Knepp

314 Friendship Rd
Beaver Falls, PA 15010

And

Sherri Stanley

Clay Stanley

540 East Martin St
East Palestine, OH 44413

And

Flavel A. Stewart

266 East Clark Street
East Palestine, OH 44413

And

Kayli Stiffler

Joel Vanpelt

Kayli Stiffler O/B/O Lilli Lodge
Kayli Stiffler O/B/O Willow Lodge
7782 Scroggs Road
Lisbon, OH 44432

And

Raeann Stout
David Quarles
522 Cannelton Road
Darlington, PA 16115

And

Pamela Styen
25 Camelot Drive, Apt B4
Columbiana, OH 44408

And

Kimberly Swogger
Sandra King
The Estate of Randy Swogger, Executor
Kimberly Swogger
377 Hodgson Road
Darlington, PA 16115

And

Kristopher Tedrow
49464 Quay Road
Negley, OH 4441

And

Ben Terwilliger
616 East Martin Street,
East Palestine, OH 44413

And

Kristy Terwilliger
Joseph Terwilliger

Kristy Terwilliger O/B/O Sarah Terwilliger
616 East Martin Street
East Palestine, OH 44413

And

Kenneth Tetemanza
49483 State Route 14
East Palestine, OH 44413

And

John Thoman
42501 North Ave
Lisbon, OH 44432

And

**Steven Tigelman Jr.
Joselyn Tigelman
Caydene Tigelman
Steven Tigelman Jr. O/B/O Jilliauna Tigelman
Steven Tigelman Jr. O/B/O Steven Tigelman III
Steven Tigelman Jr. O/B/O Caleena Tigelman
Steven Tigelman Jr. O/B/O Jursiey Tigelman
Steven Tigelman Jr. O/B/O Clark Tigelman
Steven Tigelman Jr. O/B/O Troyal Tigelman
Steven Tigelman Jr. O/B/O Jeffery Tigelman
Steven Tigelman Jr. O/B/O Bricker Tigelman
The Estate of Carlyn Tigelman, Executor
Steven Tigelman Jr.
436 E. North Ave.
East Palestine, OH 44413**

And

Geordan Tomor

205 SE 32nd Ave
Ocala, FL 34471

And

Brenda K Toot

6791 Raley Road
New Waterford, OH 44445

And

Patricia Torok

Edwin Torok

332 State Route 168
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And

Cynthia Trimble

1674 SR165
East Palestine, OH 44413

And

Jason Trosky

Kamden Trosky

Colin Trosky

Brooklyn Trosky

Jason Trosky O/B/O Ashton Trosky

Jason Trosky O/B/O Braydon Trosky

266 East Martin Street
East Palestine, OH 44413

And

Ron Venezia

198 E. Adams
East Palestine, OH 44413

And

Theresa Vigliotti

Gabriel Vigliotti
Michael Vigliotti
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Poland, OH 44514

And

Meagan Vogel
Meagan Vogel O/B/O Mckenzie Dyljing
110 Alice Street
East Palestine, OH 44413

And

Lorie Wagoner
Terry Wagoner
Isabella Wagoner
182 Canneltown Road,
Darlington, PA 16115

And

Jamie Wallace
Christopher Wallace
Kimberly Emes
1324 Ceramic Street
East Liverpool, OH 43920

And

James Thomas Ward
Vida Resurrection Ward
James Thomas Ward O/B/O Sophia Meryl Ward
James Thomas Ward O/B/O Maverick James Ward
172 Stonehaven Drive
Columbiana, OH 44408

And

Michele Watterson
816 West North St
East Palestine, OH 44413

And

Nicolas West
Bianca Smith
Nicolas West O/B/O Imani Dogan
199 ½ East Main Street
East Palestine, OH 44413

And

Nathan Whalen
Nathan Whalen O/B/O Walker Whalen
9150 State Route 7
Rogers, OH 44455

And

Sabrina Whanger
Robert Whanger, Jr.
47145 Shoshone Trail
Negley, OH 44413

And

Brandi White
Timothy White Jr.
Curtis White
5430 Jimtown Road
East Palestine, OH 44413

And

Amanda White
Joseph White Jr.
Kalynn Snyder
Hannah White
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East Palestine, OH 44413

And

Tina Wild
Richard Mull
Patricia Micco

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New Springfield, OH 44443

And

Cheryl Williams
414 Haggerty Road
New Galilee, PA, 16141

And

Steven Windle
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East Palestine, OH 44413

And

Daniel Winston
1130 Main Street
Wellsville, OH 43968

And

Roni Wise
Emma Wise
320 Georgetown Road
Beaver Falls, PA 15010

And

Daniel Yokley Jr.
Daniel Yokley Jr. O/B/O Isabella Yokley
Daniel Yokley Jr. O/B/O Zy'aire Yokley
Sarah Yokley
155 Ashley Lane
East Palestine, OH 44413

And

Thomas Paul Young Jr.
Thomas Paul Young Jr. O/B/O Archer
Raymon Young
Lynn Ann Young
Gunner Thomas Young

215 Oakdale Road
Darlington, PA 16115

And

Tammy Youschak
Cody Allen Youschak
Shane Miller
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And

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And

Juliana Zorich
Robert Zorich
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And

Laura Zuch
Laura Zuch O/B/O Sawyer Zuch
The Estate of Margo Zuch, Executor Laura Zuch
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East Palestine, OH 44413fer

And

Yokley Scott Corp LLC
155 Ashley Lane
East Palestine, OH 44413

And

Lexsey Bieber
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Columbiana, OH 44408

And

Daniel E. Clements
Roxanne Clements
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East Palestine, OH 44413

And

Andrew Clendennen
Erica Clendennen
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East Palestine, OH 44413

And

Rebecca Davis
Blayne Harris
129 South Street
East Palestine, OH 44413

And

Tyler Foster
Lauren Dilworth
Tyler Foster O/B/O Jackson Foster
Tyler Foster O/B/O Carter Foster
386 Park Ave.
East Palestine, OH 44413

And

Christopher Raley
Shelby Wallace
Christopher Raley O/B/O Elias Raley
Cole Raley
223 West Clark Street,
East Palestine, OH 44413

And

Angela Rayl
Eric Rayl

265 East Pine Lake Road,
N. Lima, OH 44452

And

Ronald Simmons

Lisa Simmons

835 Kenmar Drive

East Palestine, OH 44413

And

Karen Toothman

Timothy Toothman

115 West Main Street

East Palestine, OH 44413

And

Chelsea Wilson

Chelsea Wilson O/B/O Gage Wilson

Chelsea Wilson O/B/O Clayton Wilson

117 Garfield Ave.

East Palestine, OH 44413

And

Jaden Wilson

3697 Silliman Street

New Waterford, OH 44445

And

Penny Wilson

Mark Wilson

Mark Wilson Jr.

177 Garfield Ave

East Palestine, OH 44413

Plaintiffs

v.

Norfolk Southern Railway Company
C/O Corporation Service Company
1160 Dublin Road, Suite 100
Columbus, OH 43215

And

Norfolk Southern Corporation
650 W. Peachtree Street NW
Atlanta, GA, 30308

and

OxyVinyls LP
14555 Dallas Parkway, Suite 400
Dallas, TX 75254

and

GATX Corporation
C/O The Prentice-Hall Corp. System Inc.
1160 Dublin Road, Suite 400
Columbus, OH 43215

and

General American Marks Company
233 S. Wacker Drive, Fl 51
Chicago, IL 60606

and

Trinity Industries Leasing Company
14221 N. Dallas Parkway, Suite 1100
Dallas, Texas 75254

and

The Association of American Railroads
425 3rd Street SW
Washington, DC 20024

And

Terminal Railroad Association of St. Louis

1201 Mc Kinley Ave
Venice, IL 62090

and

Arcadis U.S., Inc.

C/O CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

Braskem America Inc.

C/O Corporation Service Company
1160 Dublin Road, Suite 400
Columbus, OH 43215

and

CTEH, LLC (Center for Toxicology and Environmental Health)

C/O Corporation Service Company
1160 Dublin Road, Suite 400
Columbus, OH 43215

and

EnviroScience, Inc.

C/O Martin Hilovsky
5070 Stow Road
Stow, OH 44224

and

Explosive Service International

9985 Barringer Foreman Road
Baton Rouge, LA 70809

and

Specialized Professional Services, Inc

300 Commercial Drive
Washington, PA 15301

and

Midland Manufacturing

7733 Gross Point Road
Skokie, IL 60077

and

**Specialized Response Solutions Inc.
Specialized Response Solutions, L.P.**

411 Bolliger Blvd
Fort Worth, Texas 76108

and

Hazardous Products Abatement Company

2711 Burch Drive
Charlotte, NC 28269

and

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C/O CT Corporation System
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Columbus, OH 43219

and

Engineering Systems Inc.

C/O Corporation Service Company
1160 Dublin Road, Suite 400
Columbus, OH 43215

and

Cranemasters Inc.

C/O Corporation Service Company
1160 Dublin Road, Suite 400
Columbus, OH 43215

and

Hulcher Services, Inc.

C/O CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

R.J. Corman Railroad Group
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Nicholasville, KY 40340

and

The Timken Company
C/O Corporation Service Company
1160 Dublin Road, Suite 400
Columbus, OH 43215

and

**Arcadis G&M, Inc. D/B/A Greenrock
Strategies and Arcadis**
2929 Briarpark Drive, Suite 300
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and

Waste Management of Ohio, Inc.
C/O CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

Waste Management, Inc. D/B/A WM
800 Capitol Street, Suite 3000
Houston, Texas 77002

and

Republic Services, Inc.
Republic Services of Ohio
Republic Services of Ohio I
Republic Services of Ohio II
Republic Services of Ohio III

Republic Services of Ohio IV
Republic Services of Ohio Hauling
Republic Services of Cleveland
C/O CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

US Ecology
C/O Envirite of Pennsylvania, Inc.
18500 North Allied Way
Phoenix, AZ 85054

and

Clean Harbors Environmental
581 Milliken Drive
Hebron, OH 43025

and

Heritage Environmental Services, Inc.
Heritage Environmental Services, LLC.
C/O CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

Ross Environmental Services, Inc.
C/O MWC Services, Inc.
36790 Giles Road
Grafton, OH 44044

and

Ford Motor Company
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

Village of East Palestine

The East Palestine Police Department
The East Palestine Fire Department
85 North Market Street,
East Palestine, OH 44413

and

East Palestine City School District
200 West North Avenue
East Palestine, OH 44413

and

Columbiana Exempted Village School District
700 Columbiana-Waterford Road
Columbiana, OH 44408

and

Columbiana County General Health District
7360 State Route 45, P.O. Box 309
Lisbon, OH 44432

And

Columbiana County Board of Commissioners
105 S. Market St.
Lisbon, OH 44432

And

Mercy Health
1701 Mercy Health Place
Cincinnati, OH 45237

And

Blackrock Inc.
50 Hudson Yards
New York, NY 10001

And

The Vanguard Group, Inc.
100 Vanguard Boulevard
Malvern, Pennsylvania 19355

And

Quest Diagnostics
500 Plaza Drive
Secaucus, NJ 07094

and

American Engineers Group
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Mechanicsburg, PA 17055

and

Progress Rail Services Corporation
1160 Dublin Road, Suite 400
Columbus, OH 43215

And

Tetra Tech, Inc.
C/O CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

Hepaco, Inc.
C/O The Prentice-Hall Corp. System, Inc.
3366 Riverside Drive, Suite 103
Upper Arlington, OH 43221

and

Gryphon Investors, LLC
One Maritime Plaza, Suite 2300
San Francisco, California 94111

<p>and</p> <p>Alicon Environmental, Inc. 101 Stoney Creek Road South Abington Township, PA 18411</p> <p>and</p> <p>Geosyntec Consultants, Inc. C/O The Prentice-Hall Corp. System Inc. 1160 Dublin Road, Suite 400 Columbus, OH 43215</p> <p>and</p> <p>Ohio Department of Medicaid C/O Ohio AG 150 E. Gay Street 21st Floor Columbus, OH 43215</p> <p>And</p> <p>John Does 1-10 Address Unknown Address Unknown</p> <p>and</p> <p>XYZ Corporations 1-10 Address Unknown Address Unknown</p>	
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Tort Complaint

Between 2013 and 2022, Defendant Norfolk Southern Corporation and Defendant Norfolk Southern Railway Company Norfolk Southern’s [collectively “Norfolk’s] crash rate increased by

almost 81% nationwide.¹ In 2021, Norfolk had 38 incidents in the State of Ohio, alone.² As Norfolk's incident rate has nearly doubled in the past 10 years, at least 20 of those derailments since 2015 have involved chemical releases.

The community of East Palestine and the surrounding areas have the right to expect that the railroad companies will follow industry safety standards and avoid preventable tragedies with their trains. Norfolk's practice of putting profits over the health, safety, and welfare of the communities its trains traverse has devastated East Palestine in so many ways. So has the injustice of the legal maneuvers by Norfolk and the other Defendants in ongoing class action litigation.

Like Norfolk, the other Defendants, and the EPA and CDC, further chose to fail the community when they too chose to follow their own safety rules and regulations in the alleged clean-up of the community. They chose to fail in protecting the families who trusted them. The community is still contaminated, and people are still sick.

Norfolk and the Defendants have attempted to evade a generation of environmental and health consequences around East Palestine – all while minimizing or denying the current and future harm of the contamination. This complaint brings the claims that remain in Ohio for the plaintiffs who have yet to fully recover.

A. Defendants Norfolk Southern Corporation and Norfolk Southern Railway Company Knew They Had a Problem.

¹ <https://www.politico.com/news/2023/03/08/norfolk-southern-accident-rate-00086210>

² <https://local12.com/news/local/norfolk-southern-accident-rates-climbed-over-last-10-years-at-near-highs-despite-2022-dip-toxic-derailment-derail-water-trains-accidents-railroads-roads-csx-union-pacific-bnsf-cincinnati-ohio>

Norfolk settled the class action for 4.94% of their 2023 revenue. While the people of East Palestine and the surrounding area continue to suffer, Norfolk only “suffered” 18 days’ worth of lost revenue to compensate the people. In 2023, Norfolk’s daily revenue was 33.3 million dollars.³

The community of East Palestine and the surrounding areas had, and continue to have, the right to expect that the railroad companies will follow the safety rules and fix foreseeable issues with their trains. Norfolk chose to fail in keeping the community of East Palestine and surrounding areas safe from knowing and preventable harm. The derailment was avoidable and the direct result of Norfolk’s practice of putting its own profits above the health, safety, and welfare of the communities in which Norfolk operates. The examples are, unfortunately, countless.

In 2005, a crew failure on Norfolk Train P22 resulted in the derailment in Graniteville, South Carolina, releasing tons of poisonous chlorine gas and thousands of gallons of diesel fuel. The disaster killed nine people, injured 554 others, and forced 5,400 people to evacuate their homes for several days.⁴

The following year, in 2006, a collision between two Norfolk trains resulted in the release of sodium cyanide, necessitating the evacuation of hundreds of people in Lincoln, Alabama. Later that year, a Norfolk derailment spilled 42,000 gallons of sodium hydroxide. Not six months later, in New Brighton, Pennsylvania, a Norfolk derailment caused by inadequate rail inspection spilled 485,278 gallons of ethanol partially into the Beaver River.

Fast forward to July 2022, Norfolk was responsible for a train derailment in Warner Robbins, Georgia, carrying sulfur. The derailment occurred after the crew was instructed to continue train movement despite indication of a defective, leaking journal bearing. The bearing was

³<https://www.macrotrends.net/stocks/charts/NSC/norfolk-southern/revenue>

⁴ <https://www.nts.gov/investigations/AccidentReports/Reports/RAR0504.pdf>

not inspected by mechanical personnel or set out for repair before it was added to another train, leading to derailment. Later in October 2022, a Norfolk freight train derailed on an overpass in Sandusky, Ohio, given a burnt journal bearing. Approximately 1,200 residents were left without power, and liquid paraffin wax was spilled from the train into the city's sewer system and hardened.

Even after the train derailment in East Palestine, Norfolk still could not keep its trains on the tracks. In March 2023, another Norfolk derailment caused 28 railcars to skid off the tracks in Springfield, Ohio. Then again in March 2023, Norfolk's train derailed in Calhoun County, Alabama involving 30 railcars. It occurred a few hours before Norfolk's CEO admitted to congress about the East Palestine derailment, "yet it is clear that safety mechanisms in place were not enough."

The examples could go on and on, but one theme emerges: Norfolk chose to fail to keep the communities like East Palestine and surrounding areas safe from knowing and preventable harm.

B. The East Palestine Derailment

It is February 3, 2023 at around 8:54 PM, the people of East Palestine and surrounding areas are about to drift to sleep. What happens next is the nightmare that never stops. Norfolk Train 32 derails near the North Pleasant Drive Crossing in East Palestine, Columbiana County, Ohio less than a mile from the Pennsylvania border. The derailment occurred less than 1,000 feet from the nearest residences. The train was carrying several industrial chemicals that were hazardous materials. As a result of the derailment, residential properties located along local waterways became contaminated with hazardous materials, hazardous substances, hazardous wastes, and other harmful pollutants, forcing people to evacuate from their homes. Some have never returned.

Train 32 was equipped with certain hot bearing detectors ("HBD") that Norfolk needlessly failed to appropriately install, maintain, operate, and monitor. These HBD can assess and reporting

the temperature of railcar equipment and transmitting real-time warnings to crew members of a train. Train 32 traveled past three or more HBD systems before Derailment. The HBD at milepost 79.9 recorded a temperature of 38 degrees above ambient temperature of the suspected wheel bearing on railcar 23; the HBD at milepost 69.01 recorded 103 degrees above ambient temperature, and the HBD at milepost 49.81 recorded 253 degrees above ambient temperature. This allowed one or more of the railcars to catch fire at least 20 miles west of East Palestine, Ohio before the incident. Had the HBD been properly installed, maintained, operated, and monitored the train would have been stopped to assess the ambient temperature and Train 32 would not have derailed.

The community of East Palestine and the surrounding areas have the right to expect that the railroad companies will hold up their end of the unspoken deal. The deal between the communities with tracks and with the railroad companies is that people will stay off the tracks and trains will run seamlessly through without causing any harm to those it passed. Unfortunately, Norfolk violated their part of the deal.

The derailment resulted in a fire that burned for at least four days. The derailment caused the release of industrial hazardous materials, hazardous substances, hazardous waste, and other harmful pollutants into the air in East Palestine and the surrounding area. Thirty-eight railcars derailed, including 11 tank cars containing hazardous materials, hazardous substances, hazardous wastes, and other harmful pollutants, including, but not limited to, vinyl chloride, butyl acrylate, ethylene glycol monobutyl ether, ethylhexyl acrylate, isobutylene, and petroleum lube oil. These hazardous materials, hazardous substances, hazardous wastes, and other harmful pollutants subsequently ignited and damaged an additional 12 railcars.

Train 32 was carrying other products, items, and vehicles as well as chemicals. Ford Motor Company (“Ford”) had electric vehicles on the train that, after the derailment, exploded, thus, subjecting them to shipper’s liability. Various Defendants, including John Does and XYZ Companies, also had products, items, and vehicles on Train 32 that, with reasonable due diligence, Plaintiffs were unable to ascertain the owners and suppliers of those products, items, and vehicles.

C. The “Controlled” Burn.

Once Norfolk chose to fail to keep the community safe, it had the option to safeguard the community from its own mess. By, following the safety rules and protecting the community, Norfolk and the other Defendants could have limited their damage. Instead, they chose to unnecessarily infect the community with toxic chemicals.

The decision was made by Norfolk and the other Defendants that a controlled release and burn of the vinyl chloride from at least five railcars was the best way to stop further explosions. At least five railcars on February 6, 2023 were burned by intentionally breaching the railcar and lighting the vinyl chloride. Residents of both Ohio and Pennsylvania observed the huge cloud of smoke that came from the burning. As the chair of the National Transportation Safety Board (“NTSB”) testified, the “controlled burn” was not necessary.

The citizens of East Palestine and the surrounding areas had a right know the effects of burning vinyl chloride. They had the right to know the risks. They had a right to know the whole story. Norfolk and the other Defendants took that right away from them.

For reasons unknown, Norfolk and the other defendants created a trench to collect and burn the vinyl chloride from the train cars. The location of this trench was close to or within the source

water protection area for a nearby non-community water system. This led to vinyl chloride spreading to the water source infecting members of the community.

Vinyl chloride is a hazardous waste and substance. Vinyl chloride is a known human carcinogen according to the Department of Health and Human Services, the International Agency for Research on Cancer, and the United States Environmental Protection Agency (“U.S. EPA”). In fact, burning vinyl chloride produces phosgene gas, which was a chemical weapon in World War 1. Breathing high to very high levels of vinyl chloride may cause dizziness, sleepiness, fainting, or death. Chronic inhalation may cause changes in liver structure or liver cancer. Dermal exposure to vinyl chloride may cause numbness, redness, and blisters. Exposure to vinyl chloride during pregnancy may affect the growth and development of a fetus. Vinyl chloride is mobile in soil and can migrate to groundwater. Exposure to phosgene may cause eye and throat irritation and even severe lung damage and death.

Burning vinyl chloride also produces hydrogen chloride which is irritating and corrosive to any tissue it contacts and may cause severe burns of the eyes and skin. Brief exposure to low levels of hydrogen chloride cause throat irritation, while higher exposure levels may result in rapid breathing, narrowing of the bronchioles, blue coloring of skin, accumulation of fluid in the lungs, swelling and spasm of the throat, suffocation, and even death.

In addition, burning vinyl chloride may have caused the formations of dioxins, compounds that form through combustion processes. Dioxins are highly toxic and carcinogenic, and extremely persistent in the environment.

Butyl acrylate, ethylene glycol monobutyl ether, ethylhexyl acrylate, and isobutylene are hazardous materials, hazardous substances, hazardous wastes, and/or other harmful pollutants.

Butyl acrylate may irritate the nose, throat, and lungs. Inhalation may cause headaches, dizziness, nausea, and vomiting. Dermal contact with butyl acrylate may also cause a skin allergy. Exposure to ethylene glycol monobutyl ether may occur through inhalation, ingestion, or dermal contact. Exposure may lead to irritation of the nose and throat, headache, dizziness, lightheadedness, and passing out. It may also cause nausea, vomiting, diarrhea, and abdominal pain. Exposure may damage the liver and kidneys. Acute exposure to isobutylene may lead to irritation of the eyes, nose, and throat. Dermal contact with isobutylene may cause frostbite, headache, dizziness, lightheadedness, and fatigue. Exposure to higher levels of isobutylene may cause coma and death. Chronic exposure to isobutylene may cause cancer, reproductive hazards, and may lead to other long-term health effects.

In addition, other hazardous materials, hazardous substances, hazardous wastes, and/or other harmful pollutants may have been released or generated because of the Derailment and Norfolk's response thereto. The derailment resulted in an untold volume of hazardous materials, hazardous substances, hazardous waste, and other harmful pollutants into the air, water, and ground.

D. The Response to the Derailment

Defendants Norfolk, GATX Corporation, General American Marks Company, Trinity Industries Leasing Company, Arcadis U.S. Inc., Braskem America, Inc., CTEH, LLC, EnviroScience, Inc., Explosive Service International, Specialized Professional Services, Inc., Midland Manufacturing, Specialized Response Solutions, Hazardous Products Abatement Company, EnviroService Inc., Engineering Systems Inc., Cranemaster Inc., Hulcher Services, Inc., R.J. Corman Railroad Group, The Timken Company, Greenrock Strategies and Arcadis,

Waste Management of Ohio, Inc., Waste Management Inc., Republic Services, Inc., Republic Services of Ohio, US Ecology, Clean Harbors Environmental, Heritage Environmental Services Inc., Ross Environmental Services Inc., East Palestine Police Department, East Palestine Fire Department, the Village of East Palestine, East Palestine City School District, Columbiana Exempted Village School District, Columbiana County General Health District, Columbiana County Board of Commissioners, American Engineers Group, and Progress Rail Services Corporation all participated in the “cleanup” and “remediation” of the derailment.

The Columbiana County Health District (“Health District”) was responsible to keep the residents safe from the harms created by the chemicals spilled because of the train crash. The Health District acted with willful and wanton misconduct by misleading the residents to the side effects, symptoms, and other related health issues that were a direct and proximate result of the chemicals spilled and the “cleanup” and “remediation.”

The East Palestine School District and the Columbiana Exempted School District both had an affirmative duty to keep their students safe from harm, but chose to fail to properly have their schools remediated following the aftermath of the derailment. This subjected their students to further unnecessary chemical exposure.

Defendants continued to tell Plaintiffs, the community of East Palestine, and the surrounding areas that it was safe, the soil was safe, the air was safe, and the water was safe. Unfortunately, those statements were fake news. As Plaintiffs, the community of East Palestine, and the surrounding areas struggled with the aftermath

The Defendants, collectively and individually, chose to fail to keep the community of East Palestine and the surrounding areas safe by failing to properly cleanup and remediate the release of

hazardous materials, hazardous substances, hazardous waste, and other harmful pollutants. The Defendants “cleanup” and “remediation” chose to fail to warn the community and East Palestine and the surrounding areas of the exposure they would suffer because of the release of the hazardous materials, hazardous substances, hazardous waste, and other harmful pollutants by Defendants.

E. The Aftermath.

Unfortunately, there are real people behind this story who suffered from the Defendants failure to follow the safety rules. While this complaint cannot tell the story of all 600+, every person included in this complaint whether they opted in or opted out of the class action settlement have mourned their home, their livelihood, and their semblance of normalcy.

a. Christa Graves

Christa Graves’ life was forever changed when a Norfolk Southern train derailed in East Palestine, Ohio, unleashing a toxic nightmare upon her community. Living just 1.2 miles from the railway, Christa and her family found themselves at ground zero of an environmental catastrophe that would shatter their sense of safety and well-being.

As the toxic plume engulfed East Palestine, Christa watched in horror as thick smoke ran parallel to her treeline for days. Despite the imminent danger, she received no official evacuation notice, left in the dark by those responsible for public safety¹. It wasn’t until a former first responder urgently texted her to “Get out of EP” that Christa realized the true extent of the peril. Christa was falsely assured by a Norfolk Southern representative that her air was “fine/safe,” a cruel deception that exposed her family to ongoing harm.

The aftermath of the derailment unleashed a barrage of health issues for Christa and her loved ones:

Christa herself suffered burning sensations in her hands and feet, debilitating migraines, and mysterious wormy lines on her neck.
Her grandson had a bubble rash following his veins, delayed development, and persistent symptoms for nine months.
Her daughters had scaly rashes, unusual headaches, and reproductive health issues.
Her parents had nosebleeds, pneumonia, and alarming memory problems.

Nearly two years after the disaster, Christa and her family continue to suffer. The toxic exposure has infiltrated their entire lives. They still suffer physically through chronic pain, respiratory issues, and other medical conditions. They still suffer mentally through mental fog, insomnia, and anxiety. They still financially through having two “toxic homes” to unload and mounting medical bills.

b. Lonnie Miller

Lonnie Miller’s life was intricately woven with the rhythm of passing trains. For years, the Miller family found joy in the rumble of locomotives, with their son Austin growing up fascinated by the iron giants that rolled past their home just 200 feet from the tracks. But on February 3, 2023, the familiar sounds of commerce turned into a cacophony of disaster when a Norfolk Southern train derailed, unleashing a toxic nightmare that would forever alter the fabric of their lives.

The Millers’ relationship with the trains was more than just proximity; it was a cherished part of their family culture. “The trains were almost like friends to us. They were a part of our lives,” Lonnie recalled. Austin’s childhood was marked by train-watching, learning the names of rail cars, and building an ever-growing model train display in their living room. These treasured memories now contrast with the devastation that followed the derailment. When catastrophe struck, the

Millers' world literally shook. Their house thumped and rattled as chaos unfolded outside. Panic set in as they realized the severity of the situation.

In the days following the derailment, the Millers faced an onslaught of health issues and environmental hazards. Lonnie observed the finest glitter you can imagine in the air outside her home. Her family experienced stomach cramps, constant diarrhea, metallic taste in their mouths, and tingling lips. Even now, Lonnie fears the potential long-term health consequences from the derailment and the “clean-up” including the potential for cancer.

Nearly two years after the disaster, the Millers continue to grapple with the effects. Lonnie's husband and son have both received counseling for PTSD and her son still has nightmares. The family still experiences recurring health issues, including blurred vision and nosebleeds. And the Millers were even forced to relocate from their forever home in East Palestine, abandoning their home and the memories it held. Lonnie gave up her antique business that she had dreamed of running.

c. Ashley McCollum

Ashley McCollum's life took a devastating turn on February 3, 2023. As she sat in her living room, just half a mile from the railroad tracks, the sound of an ambulance pierced the night air, signaling the beginning of a nightmare that would engulf her family and community. The Norfolk Southern train derailment that followed wasn't just a distant disaster—it was a catastrophic event that would transform Ashley's world into a toxic wasteland, challenging her health, her family, and her very way of life.

When Ashley first heard the commotion, she thought the entire town was ablaze. The surreal scene of what looked like the local gas station on fire. As the reality of the train derailment

set in, Ashley's instincts kicked in. She began urging her neighbors to evacuate, recognizing the gravity of the situation even as some refused to leave.

The aftermath of the derailment didn't just poison the air and soil—it poisoned Ashley's family life. Ashley and her loved ones fled to her mother's house and then to a hotel 25 minutes away, uprooting their lives for over a month. Ashley's family suffered a barrage of symptoms, from clusters of scabbing to chest pains, confusion, and even blood in her boyfriend's stool.

Nearly two years after the disaster, Ashley and her family continue to battle a litany of health issues. Ashley continues to suffer from chest pains, confusion, lightheadedness, and a persistent turpentine smell. Her son had premature acne, excessive leg hair growth, rashes, and behavioral changes. Her daughter had emotional changes and unexplained emotional outbreaks. Her boyfriend suffered severe skin reactions, memory loss, and job loss due to his health complications.

d. Chris Albright

Living just three blocks from ground zero of the Norfolk Southern train derailment, Chris and his family found themselves at the epicenter of an environmental catastrophe that would upend their health, finances, and future. As a father of two, a dedicated worker, and a community advocate, Chris's story embodies the profound and lasting impact of corporate negligence on ordinary lives.

On that fateful evening, Chris's 19-year-old daughter first alerted the family to the derailment. As flames illuminated the night sky, local law enforcement arrived at their doorstep around 10:30 PM, urging evacuation. While Chris initially stayed behind with the family dogs, the escalating danger forced him to flee by the following Wednesday, marking the beginning of a prolonged displacement and health crisis.

The aftermath of the derailment unleashed a barrage of health issues for Chris and his loved ones. Chris was diagnosed with a severe heart condition, a condition he never experienced before the train derailment. From rarely being sick before, Chris now falls ill frequently, impacting his ability to work and live normally. His daughter had early onset of menstruation at age 8.

The derailment’s impact extended far beyond just the health issues. Chris was terminated without notice from his gas line company job in November 2023, a direct consequence of his derailment-related medical issues. The family was forced to relocate to a hotel for four months, depleting their savings.

Despite his personal struggles, Chris has emerged as a powerful advocate for East Palestine. Chris addressed Harvard University and participated in a teach-in, raising awareness about the disaster. Featured in numerous articles and reports, refusing to let East Palestine be forgotten. And he became the subject of a song highlighting the community’s plight.

Jurisdiction and Venue

This Court has jurisdiction over this matter under R.C. 2307.382 as all Defendants transacted business in the State of Ohio.

Venue is appropriate pursuant to Civil Rule 3(C)(2) since Defendant Waste Management of Ohio, Inc. has its principal place of business in Franklin County, Ohio.

The Parties

“Opt-In Plaintiffs,” see **Exhibit A**, are Plaintiffs who have opted-in to the Class Action Settlement with Norfolk Southern. **The “Opt-In Plaintiffs” are not bringing any of the below claims against the following Defendants named in the class action release:**

1. Norfolk Southern;
2. OxyVinyls LP,

3. GATX Corporation;
4. Trinity Industries Leasing Company;
5. Progress Rail;
6. The Association of American Railroads;
7. Terminal Railroad Association of St. Louis;
8. Arcadis U.S. Inc.;
9. Braskem American Inc.;
10. Center for Toxicology and Environmental Health (CTEH);
11. EnviroScience, Inc.;
12. Explosive Service International;
13. Specialized Response Solutions;
14. Hazardous Products Abatement Company;
15. EnviroServe;
16. Engineering Systems Inc.;
17. Cranemasters;
18. Hulcher Services Inc;
19. R.J. Corman Railroad Group; and
20. Timken Company.

“Opt-Out Plaintiffs,” **see Exhibit B**, are Plaintiffs who have opted-out, are minors, and/or are the Estates. The “Opt-Out Plaintiffs” are bringing the below claims against every defendant, including the property damage claims.

The following Plaintiffs, **see Exhibit C**, are not asserting claims against The Village of East Palestine, The East Palestine Police Department, and the East Palestine Fire Department.

The following Plaintiffs, **see Exhibit D**, are not asserting claims against Mercy Hospital.

The following Plaintiffs, **see Exhibit E**, are asserting claims against the school district.

The following Plaintiffs, **see Exhibit F**, are not asserting claims against the school district nor the Columbiana County Public Health.

The following Plaintiffs, **see Exhibit G**, are opted into the property damage, but not the personal injury portion of the class action settlement

Norfolk Southern Railway Company is a corporation out of the state of Virginia that conducts business in the state of Ohio. Norfolk Southern Railway Company has a principal place of business and conducts business in Franklin County, OH.

Norfolk Southern Corporation is a corporation in the state of Georgia that conducts business in the state of Ohio. Norfolk Southern Corporation has a principal place of business and conducts business in Franklin County, OH.

Oxy Vinyls LP is a corporation in the state of Texas.

GATX Corporation is a corporation in the state of New York.

General American Marks Company

Trinity Industries Leasing Company is a corporation in the state of Texas.

The Association of American Railroads is a corporation in the District of Columbia.

Terminal Railroad Association of St. Louis is a corporation in the state of Illinois.

Arcadis U.S., Inc. is a corporation in the state of Delaware that conducts business in Franklin County, OH

Braskem American Inc. is a corporation in the state of Pennsylvania.

CTEH, LLC is a corporation in the state of Arkansas.

EnviroScience, Inc. is a corporation in the state of Ohio.

Explosive Service International is a corporation in the state of Louisiana.

Specialized Professional Services, Inc. is a corporation in the state of Pennsylvania.

Midland Manufacturing is a corporation in the state of Illinois.

Specialized Response Solutions Inc. is a corporation in the state of Texas.

Hazardous Products Abatement Company is a corporation in the state of North Carolina.

EnviroService Inc. is a corporation in the state of Ohio.

Engineering Services Inc. is a corporation in the state of Illinois.

Cranemasters Inc. is a corporation in the state of Virginia.

Hulcher Services Inc. is a corporation in the state of Delaware.

R.J. Corman Railroad Group is a corporation in the state of Kentucky.

The Timken Company is a corporation in the state of Ohio.

Greenrock Strategies and Arcadis

Waste Management of Ohio, Inc. D/B/A WM is an Ohio corporation with a principal place of business in the State of Ohio.

Waste Management Inc. D/B/A WM is a Texas corporation doing business in the state of Ohio.

Republic Services, Inc. is an Arizona corporation doing business in the state of Ohio.

Republic Services of Ohio, Republic Services of Ohio I, Republic Services of Ohio II, Republic Services of Ohio III, Republic Services of Ohio IV, Republic Services of Ohio Hauling, and Republic Services of Cleveland are Ohio corporations doing business in Franklin County, OH.

US Ecology is an Arizona Corporation doing business in the state of Ohio.

Clean Harbors Environmental is an Ohio corporation doing business in the state of Ohio.

Heritage Environmental Services, Inc and Heritage Environmental Services, LLC are Indiana Corporations conducting business in the state of Ohio.

Ross Environmental Services Inc. is an Ohio corporation doing business in the state of Ohio.

Ford Motor Company is a Michigan corporation doing business in the state of Ohio.

The Village of East Palestine, The Police Department of East Palestine, and the Fire Department of East Palestine are municipalities or departments of municipalities in the State of Ohio.

East Palestine City School District and Columbiana Exempted Village School District are school districts in Columbiana County, OH.

Columbiana County Board of Commissioners and Columbiana County General Health District are municipalities or departments of municipalities in the State of Ohio.

Mercy Health is an Ohio Corporation doing business in Hamilton County, Ohio.

Blackrock Inc. is a New York Corporation.

Quest Diagnostics is a New Jersey Corporation.

American Engineers Group is a Pennsylvania Corporation.

Progress Rail Services Corporation is an Alabama Corporation.

Ohio Department of Medicaid is a department within the government of the State of Ohio

CLAIMS

FIRST CLAIM: NEGLIGENCE

1. Plaintiffs incorporate the above paragraphs.
2. Defendant Norfolk had a duty to act with reasonable care in handling and transporting hazardous materials.
3. Defendant Norfolk chose to fail in keeping Plaintiffs safe from known hazards, including, but not limited to, the failing to maintain the wheel bearing, failing to maintain safety systems, and other failures that would have prevented the harm causing the derailment.

4. All Defendants had a duty to act with reasonable care in cleaning up and disposing of industrial hazardous materials, remediating damage caused by the release of the hazardous materials, and properly informing and warning people affected by the release of the hazardous materials.
5. All Defendants chose to fail in keeping Plaintiffs safe from known hazards, including, but not limited to, unnecessarily burning hazardous chemicals being burned, hazardous chemicals being put back into the air during cleanup, improperly maintaining and disposing of hazardous chemicals, and other bad acts.
6. All Defendants chose to fail in fixing the problem with the East Palestine derailment despite having knowledge that the chemicals spilled are toxic to the community, chose to fail in properly warning the community about the effects of the chemicals spilled from the derailment, and other failures that would have prevented Plaintiffs from becoming sick from the chemicals.
7. Plaintiffs suffered extensive injuries as a result of the Defendants' breach of their duty.
8. The breach of Defendants' duty is the proximate and actual cause of Plaintiffs injuries.
9. The breach of Defendants' duty is the proximate and actual cause of Plaintiffs damages.
10. Plaintiffs request economic and non-economic damages above \$25,000 but which cannot be stated with specificity and to be determined at a trial by jury.

SECOND CLAIM: NUISANCE AND NUISANCE PER SE

11. Plaintiffs incorporate the above paragraphs.
12. Plaintiffs had the right to the use and enjoyment of their property, homes, and lives without restriction and enjoyment of their property, homes, and lives.

13. Defendants violated Plaintiffs right to live without restriction and enjoyment by failing to properly maintain the train and failing to fix the problems created from the train crash.
14. The ultra-hazardous activity of transporting, and the subsequent clean-up, of highly toxic and hazardous materials, hazardous substances, hazardous wastes, and other harmful pollutants, including, but not limited to, vinyl chloride, butyl acrylate, ethylene glycol monobutyl ether, ethylhexyl acrylate, isobutylene, and petroleum lube oil harmed the property of the Plaintiffs because the highly toxic chemicals penetrated the ground, were released into the air, and continue to damage the property of the Plaintiffs.
15. The Defendants engaged in negligent, reckless, and abnormally dangerous conduct in failing to properly transport, clean up, maintain, and dispose of highly toxic and hazardous materials, hazardous substances, hazardous wastes, and other harmful pollutants, including, but not limited to, vinyl chloride, butyl acrylate, ethylene glycol monobutyl ether, ethylhexyl acrylate, isobutylene, and petroleum lube oil.
16. The improper transport, clean up, and disposal of hazardous chemicals is an abnormally dangerous condition that cannot be maintained without injury to property.
17. As a result of the nuisance, Plaintiffs suffered substantial injuries, including a decrease in the value of their property, the loss of use of their property, and discomfort, annoyance, and inconvenience directly related to the use of the property.
18. Plaintiffs further suffered from annoyance, discomfort, fear, and other emotions related to the Plaintiffs' use or loss of enjoyment of their property.
19. Plaintiffs request economic and non-economic damages above \$25,000 but which cannot be stated with specificity and to be determined at a trial by jury.

THIRD CLAIM: STRICT LIABILITY

20. Plaintiffs incorporate the above paragraphs.
21. Defendant Norfolk was transporting hazardous materials, hazardous substances, hazardous wastes, and other harmful pollutants, including, but not limited to, vinyl chloride, butyl acrylate, ethylene glycol monobutyl ether, ethylhexyl acrylate, isobutylene, and petroleum lube oil.
22. Vinyl chloride, butyl acrylate, ethylene glycol monobutyl ether, ethylhexyl acrylate, isobutylene, and petroleum lube oil are highly toxic chemicals to humans and property.
23. The improper transportation and clean-up, and disposal of highly toxic chemicals is an inherently dangerous activity to which the doctrine of strict liability would apply.
24. The improper transportation, clean-up, and disposal of highly toxic chemicals by themselves created the existence of a high degree of risk of some harm to people, land, and others.
25. The improper transportation of highly toxic chemicals creates a likelihood that the harm resulting from the spilling of those toxic chemicals will cause great harm to those people, land, and others.
26. The Defendants improper cleanup of highly toxic chemicals creates a likelihood that the harm resulting from the spilling and continued existence of those toxic chemicals will cause great harm to those people, land, and others.
27. As occurred here by Defendants failure to keep East Palestine and the surrounding communities safe, Defendants could not eliminate the risk by the exercise of reasonable care.

28. The transportation of highly toxic chemicals is not an activity that is a matter of common usage as specific requirements need to be followed for a transportation company to transport those highly toxic chemicals.
29. The value to Plaintiffs, community, and the general public is not outweighed by its dangerous attributes of the improper transportation and clean-up of highly toxic chemicals.
30. Plaintiffs request economic and non-economic damages above \$25,000 but which cannot be stated with specificity and to be determined at a trial by jury.

FOURTH CLAIM: TRESPASS

31. Plaintiffs incorporate the above paragraphs.
32. The spilling of the highly toxic chemicals from Defendant Norfolk's train constitutes a trespass to Plaintiffs' real property.
33. Plaintiffs did not consent to the spilling of the highly toxic chemicals that trespassed on their real property.
34. The trespass has continued since February 3, 2023 and continues to this day.
35. The trespass by Defendant Norfolk and the other Defendants responsible for the cleanup efforts constitutes a continuing and permanent trespass.
36. Plaintiffs request economic and non-economic damages above \$25,000 but which cannot be stated with specificity and to be determined at a trial by jury.

FIFTH CLAIM: PUNITIVE DAMAGES

37. Plaintiffs incorporate the above paragraphs.

38. Defendant Norfolk's conduct rises to the level of outrageous, flagrant, deliberate, and intentional as stated above Norfolk knew it had issues with overheating wheel bearing but failed to fix the problem.
39. Defendant Norfolk had a conscious disregard for the rights and safety of other persons that had a great probability of causing substantial harm as Defendant Norfolk knew it had a problem with overheating wheel bearing, failed to fix the issue, and carried highly toxic chemicals on its train.
40. Defendant Norfolk needs to be punished for its conduct setting an example to others that they might be deterred from similar conduct that will, hopefully, not allow this to happen again.
41. Defendants, individually and collectively, had a conscious disregard for the rights and safety of other persons that had a great probability of causing substantial harm by failing to clean up, fix, and remediate the toxic chemicals in a responsible way that caused harm, and is still causing harm, to the people and property.
42. Defendants, individually and collectively, needs to be punished for its conduct setting an example to others that they might be deterred from similar conduct that will, hopefully, not allow this to happen again.
43. Plaintiffs request punitive damages two times the amount of the compensatory damages awarded Plaintiffs and attorney's fees but which cannot be stated with specificity and to be determined at a trial by jury.

SIXTH CLAIM: LOSS OF CONSORTIUM

44. Plaintiffs incorporate the above paragraphs

45. Plaintiffs include various relationships including, but not limited to, spouses and minor children.

46. As a direct and proximate result of the above, Plaintiffs who are married and/or have minor children have suffered a loss of consortium of their spouse and child. Due to the injuries suffered by the married Plaintiffs, the Plaintiff spouses have suffered the deprivation of society, services, sexual relations, and conjugal affection, encompassing companionship, comfort, love, and solace. Some of that loss may be permanent.

47. Plaintiffs have been injured in an amount exceeding \$25,000 but that cannot be stated with specificity.

SEVENTH CLAIM: WRONGFUL DEATH

48. Plaintiffs incorporate the above paragraphs.

49. As a direct and proximate result of the incident and the negligence, recklessness, and other wrongful acts of the Defendants, Decedents Margie Mae Lewis, Margo Zuch, Randy Swogger, John R. Moore, Viola Noel, Edward Zins, and Carlyn Tigelman died from the aftermath of the derailment.

50. All of the Decedents are survived by next of kin who suffered damages as a result of the Decedents' wrongful deaths.

51. Plaintiffs have been injured in an amount exceeding \$25,000 but that cannot be stated with specificity.

EIGHTH CLAIM: SURVIVORSHIP

52. Plaintiffs incorporate the above paragraphs.

53. Decedents Margie Mae Lewis, Margo Zuch, Randy Swogger, John R. Moore, Viola Noel, Edward Zins, and Carlyn Tigelman survived for a period of time after the derailment.

54. Thus, arising from their damages and injuries, Plaintiffs, their various estates, assert a survivorship claim under R.C. 2305.21.

55. As a direct and proximate result of the above, Plaintiff has been injured in an amount exceeding \$25,000 but which cannot be stated with specificity.

NINTH CLAIM: CIVIL CONSPIRACY

56. Plaintiffs incorporate the above paragraphs.

57. On the day of the train derailment, Norfolk's stock price closed at \$252.62 a share.

58. From that day until March 24, 2023, Norfolk's stock price dropped 22% down to close at \$197.49 a share.

59. Even through November 29, 2023, Norfolk's stock price hovered around \$210-220 a share, still a 13% to 17% drop from the date of the derailment.

60. Defendant Blackrock has an interest in Norfolk, Defendant Mercy Health, and Defendant Quest Diagnostics.

61. Defendant Vanguard has an interest in Norfolk, Defendant Mercy Health, and Defendant Quest Diagnostics.

62. In the aftermath of the derailment, various Plaintiffs tried to receive treatment from Defendant Mercy Health and Defendant Quest Diagnostics but were turned away as they were not treating those related to the derailment.

63. Vanguard, Blackrock, Mercy Health, and Quest conspired together to commit the unlawful act of denying Plaintiffs proper medical care and injured Plaintiffs by

undermining their ability to receive healthcare resulting in injuries and actual damages suffered by the Plaintiffs.

64. Vanguard, Blackrock, Mercy Health, and Quest had no reasonable or lawful excuse to injure the Plaintiff.

65. As a direct and proximate result of the above, Plaintiff has been injured in an amount exceeding \$25,000 but which cannot be stated with specificity.

NINTH CLAIM: MEDICAID SUBROGATION

66. Plaintiffs incorporate the above paragraphs.

67. Ohio Department of Medicaid [“ODM”] is a State of Ohio entity which provides health care coverage to certain residents in the State of Ohio.

68. ODM is joined pursuant to O.R.C.P. 19 because ODM claims to have, or may claim to have, an automatic right of recovery arising from the collision per RC 5160.37.

69. ODM may have provided health care coverage to Plaintiff at the time of collision and/or during the time period when Plaintiff treated for injuries arising from the collision.

70. ODM paid, or may have paid, some of Plaintiff’s collision-related medical bills.

71. Plaintiffs demand that ODM protect its own interests and incur its own attorney’s fees and expenses in relation to protection of any asserted subrogation interests.

72. Plaintiffs demand that ODM provide an itemization of any asserted subrogation interest.

73. Plaintiffs further advise that if ODM does not defend itself then ODM may be subject to a motion requesting that a declaratory judgment be issued that ODM be deemed to have waived and/or forfeited any rights it may have had for subrogation and/or reimbursement for monies issued to pay any of Plaintiff’s medical bills arising from the collision.

NINTH CLAIM: CIVIL CONSPIRACY

74. Plaintiffs incorporate the above paragraphs.
75. Plaintiffs bring this action against Defendants John Does 1-10 and XYZ Corporations 1-10 whose names and addresses are currently unknown to Plaintiffs, but who may be responsible for Plaintiffs' injuries as alleged herein. Plaintiffs will amend this Complaint once such John Does and XYZ Corporations are identified.
76. Defendants, John Does 1-10 and XYZ Corporations 1-10 identities are currently unknown and cannot, presently, be reasonably ascertained with due diligence. Ohio Civ. R. 15 is expressly referenced and, by such reference, incorporated herein.
77. The above-mentioned incident causing injury to Plaintiffs were a direct and proximate result of the negligence of Defendants.
78. As a direct and proximate result of the negligence of Defendants, Plaintiffs were caused to suffer those injuries described in the above ¶'s.
79. As a direct and proximate result of the above, Plaintiffs have been injured in an amount exceeding \$25,000.00 but which cannot be stated with specificity.

PRAYER

80. Plaintiffs pray that Defendants be cited to appear and answer herein, and that upon final hearing of the cause, judgment be entered for Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court, together with prejudgment interest at the maximum rate allowed by law, post-judgment interest at the legal rate, court costs, attorneys' fees, punitive damages, and such other and further relief to which Plaintiff may be entitled at law or in equity.

JURY DEMAND

81. Plaintiffs demand a trial by jury.

/s/ Jedidiah I. Bressman

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