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(case caption continued on next page)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

PATRICK FEINDT, JR., Individually,
and as Next Friend to his minor children
P.G.F. and P.R.F, NASTASIA
FREEMAN, Individually, and as Next
Friend to her minor children, K.F., D.F.,
and N.F., JAMIE SIMIC, Individually,
and as Next Friend to her minor children,
M.S. and J.S.¹;

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

CIVIL NO. 1:22-cv-397
(FEDERAL TORT CLAIMS ACT)

FOURTH AMENDED
COMPLAINT AND
CERTIFICATE OF SERVICE

JUDGE: Leslie E. Kobayashi
TRIAL DATE: March 24, 2024

¹ There are hundreds of additional Red Hill claimants, including civilians, in the administrative process of the Federal Tort Claims Act. Red Hill water contamination harmed thousands because of the negligence of the United States. Their claims will be added to this lawsuit for adjudication as soon as possible. Plaintiffs added in the Fourth Amended Complaint are listed on Attachment 1.

FOURTH AMENDED COMPLAINT

Nearly a year and a half after the Navy’s catastrophic November 2021 infusion of thousands of gallons of jet fuel into the water supply around Red Hill Bulk Fuel Storage Facility on O‘ahu, Hawai‘i, hundreds of military family members and civilians suffering from toxic exposure continue to voice this simple and urgent question: “What was in our water?”

The government continues to proclaim that it has no duty to warn residents that their water is poisoned – nor what chemicals are in the toxic water the government allowed them to drink.² And all these months later, the government still refuses to notify victims of the full extent of their exposure. It is now clear that the government knew that the Red Hill victims were not only exposed to Jet Propellant-5 (JP-5), but also to additives like antifreeze: 2-(2-Methoxyethoxy) ethanol, a fuel system icing inhibitor added to the JP-5 at the Red Hill facility. Contemporaneous test results show that the government knew that this additional chemical presented in unsafe levels in the drinking water.

Only recently the government finally notified residents that a previously undisclosed PFAS (Per- and polyfluoroalkyl substances) spill occurred at the Red

² In its briefing to narrow the case, the government claims immunity for failing to warn residents not to drink contaminated water. ECF No. 61.

Hill facility in 2019.³ Although the spill of these dangerous “forever chemicals” contaminated the soil, the government did not inform regulators nor warn residents. Even today, it denies any obligation to do so. And then on November 29, 2022, *another* leak of PFAS occurred at Red Hill when approximately 1,100 gallons of toxic fire-suppressing foam leaked into topsoil and into the underground facility, according to the Hawai‘i state health department.⁴ Prior PFAS leaks render it more probable that these chemicals were also released in 2021.

But the truth as to what happened at Red Hill in 2021 is indisputable. Before, during and after the contamination, as more than 93,000 military service members, their family members, and civilians relied on the government for safe water on the island of O‘ahu, the Navy harbored toxic secrets. As these families would discover, the water they drank and bathed in was dangerously contaminated. And government officials knew all along. In at least two separate incidents, May 6, 2021, and November 20, 2021, United States personnel at the Red Hill Bulk Fuel Storage Facility made negligent errors that released jet fuel, additives, and cleaning materials, directly into the Navy water line. The November 20th blast lasted more

³ Sophie Cocke, *Toxic Red Hill Spill in '19 Affected Soil, Navy Reveals*, Honolulu Star Advertiser (March 18, 2023), <https://www.staradvertiser.com/2023/03/18/hawaii-news/toxic-spill-in-2019-affected-soil-navy-reveals/>.

⁴ State of Hawai‘i, Department of Health, *Red Hill AFFF Fire Suppressant Spill – Dec. 2 Update* (Dec. 2, 2022), <https://tinyurl.com/RHSpillDecUpdate>.

than 34 hours and was so severe that residents smelled the fuel in their homes.⁵

The government failed to disclose the November blast for *twelve days*—holding town halls to reassure residents that their water was safe to drink while thousands of people went to the emergency room with acute poisoning symptoms.

News reports have since revealed that the government then destroyed water sample vials collected from over one thousand family homes—*every sample taken prior to flushing*. Water samples that could have revealed the chemicals present in these family’s waters—for health and for accountability—were trashed instead

While the government later disclosed the exposure of JP5, the government failed to disclose the other additives (and likely other forever chemicals) that infiltrated the water source during the blast and cleanup thereafter. But no matter, the government proclaims in briefing, it is immune from any failure to tell people about chemicals that may cause suffering for the rest of their lives. ECF No. 61.

Hundreds of military family members and civilians continue to suffer from a widening range of frightening, debilitating health effects of toxic exposure, while the Navy’s reluctant, inconsistent delivery of medical care to the injured, its secrecy, and its blaming of Red Hill victims has left many of them fearing for their families and futures.

⁵ Christina Jedra, *The Defueling of the Red Hill Storage Facility is in this Admiral’s Hands*, CIVIL BEAT (Oct. 3, 2022), <https://tinyurl.com/CivilBeat>.

The Federal Tort Claims Act offers a legal remedy. Those who have been harmed by the negligence of the United States are entitled to compensation for the harm. And, indeed, this case is what the Federal Tort Claims Act was designed for.

This Fourth Amended Complaint adds additional plaintiffs whose claims have become ripe.

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This case arises out of the negligence by the United States of America and its agencies that caused the poisoning of the water supply with jet fuel and other contaminants at Red Hill, Hawai'i on or around May 6 and November 20, 2021, and failed to provide appropriate treatment thereafter.

The plaintiffs, Patrick Feindt, Jr., individually, and as Next Friend to his minor children P.G.F. and P.R.F., Nastasia Freeman, individually, and as Next Friend to her minor children, K.F., D.F., and N.F., Jamie Simic, individually, and as Next Friend to her minor children, M.S. and J.S., Barbie Arnold, Crystal Arnold, individually, and as Next Friend to her minor children, J.A.A., J.E.A., J.B.A. and J.R.A.; Kevin Aubart, Saori Aubart; Cheryl Mello, AnnMarie Boggs, individually, and as Next Friend to her minor child, R.B.; Adrianna Coberley, individually, and as Next Friend to her minor children, A.M., J.M., K.M., B.C., and O.C.; Richelle Dietz, individually, and as Next Friend to her minor children, B.D., and V.D; Tiffany Flewellen-Reynolds, individually, and as Next Friend to her minor children, T.R., and A.R.; Jeff Fritz and Anayansi Fritz; Aitbeth Mudcha, Alexander Grow, Adriana Grow, individually, and as Next Friend to her minor children, At.G., Au.G., and A.C.G.; Sheena Jessup, individually, and as Next Friend to her minor children, B.B.J., B.J.J, and N.J.; Kelly Jones; Ashley Kirkpatrick, individually, and as Next Friend to her minor children, D.K., and E.K.; Audrey Lamagna, individually, and as Next Friend to her minor children, Au-J.L., and Ai-

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NATURE OF THE CASE

1. This complaint is filed pursuant to the provisions of the Federal Tort Claims Act, Title 28, U.S.C §§ 1346(b), 2671, *et seq.*, against the United States of America for negligence, nuisance, medical malpractice, and intentional infliction of emotional distress resulting in physical and emotional injuries where the government of the United States of America, if a private party, would be liable to

the plaintiffs.

PARTIES

2. Each of the plaintiffs resided in or visited a home and ingested water provided by the Red Hill shaft that was owned and operated by the United States Department of the Navy during the time frame of acts or omissions alleged herein.

3. Defendant is the United States of America.

FACTUAL BACKGROUND

4. On at least two separate occasions, on May 6 and November 20, 2021, United States personnel at Red Hill Bulk Fuel Storage Facility (Red Hill Facility) made negligent errors that released thousands of gallons of jet fuel and other contaminants into the drinking water of families on the Navy water line on the island of O‘ahu. Because government personnel then failed to disclose those leaks as required, the plaintiffs continued to ingest jet fuel and became sick from that exposure. Instead of promptly and appropriately addressing the harm, government officials conducted a woefully inadequate clean-up and clearing effort, while government doctors provided medical care far below the standard of care. The plaintiffs continue to suffer from severe illness, inconvenience, trauma, and fear.

5. The needless and foreseeable leaks at the Red Hill Facility were caused by a specific series of negligent actions by federal officers. Congress foresaw and passed laws to avoid precisely this harm, and the Navy is and was

bound by specific statutes, regulations, orders, and decrees that were ignored or violated. These statutes, regulations, orders, and decrees also constituted undertakings by Congress and the agencies, negligently conducted. The specific nature and extent of those violations will be further delineated through jurisdictional discovery.

6. The Navy owns and operates the Red Hill Facility on the island of O‘ahu, Hawai‘i to maintain strategic fuel reserves in the Pacific. The facility has been operational since 1943 and consists of 20 steel-lined tanks that measure 100 feet in diameter and 250 feet high and can hold 12.5 million gallons of fuel each. Altogether, these underground storage tanks can store up to 250 million gallons of fuel. The tanks are connected to three pipelines that run 2.5 miles through a concrete tunnel to fueling piers at Pearl Harbor.

7. The Red Hill Facility currently stores and dispenses at least three types of fuels – necessary for powering military assets but toxic if imbibed by humans. Fuels currently stored in the tanks include marine diesel for ships and two types of jet fuel, Jet Propellant-5 (JP-5) and Jet Propellant-8 (JP-8). “Chemicals of concern” in these fuels include “total petroleum hydrocarbons (TPH), benzene, toluene, ethylbenzene, xylenes, naphthalene, and methylnaphthalenes” according to the Environmental Protection Agency (EPA).

8. EPA Region 9 is responsible for monitoring the Red Hill Facility and

ensuring compliance with all federal water regulations.

9. The Navy also owns and operates a water system that pumps water from underground aquifers to provide drinking water to the military community and facilities associated with Joint Base Pearl Harbor-Hickam (JBPHH), including military housing that is run as a public-private venture. Three wells supply the Navy's drinking water system: the Red Hill Shaft, Navy Aiea-Halawa Shaft, and Waiawa Shaft.

10. The Red Hill Facility sits 100 feet above an aquifer that supplies drinking water to approximately 763,000 O'ahu residents, according to the EPA.

A. On May 6, 2021, the negligent “operator error” of a federal officer caused a 19,000-gallon fuel leak into the fire suppression system at Red Hill.

11. On May 6, 2021, a Control Room Operator and United States Government employee at Red Hill failed to follow the required valve opening and closing sequence and released what the Navy then said was approximately 1,618 gallons of jet fuel. An initial command investigation determined that this failure was due to “operator error”—a breach of the standard of care and safety protocol. This safety violation was not discretionary and involved no weighing of policy considerations.

12. The Navy then claimed the majority of the fuel had been recovered and denied that the leak contaminated any drinking water. But at a December 22,

2021, State of Hawai‘i Department of Health (DOH) hearing, Captain James Meyer, USN, Commander of the Navy Facilities Engineering Command, revised the estimate of the amount spilled from 1,600 gallons to 19,000 gallons.

13. The Navy identified the root cause of the May 6 incident to be a “disregard of proper valve sequencing dictated in the specific Operations Orders,” as well as several other factors, all of which could have been prevented by proper adherence to the rules.

14. In an October 27, 2021, interview on Hawai‘i Public Radio, Captains Gordie Meyer and Albert Hornyak, United States Navy, explained what happened with the May fuel spill. Captain Hornyak noted that, “[e]rrors on the part of the Red Hill system operator was the primary cause of the release... Specifically, the system operator not clos[ing] all of the valves as specified in the Operations Order before beginning a fuel transfer.” Interview with Navy Capts. Gordie Meyer and Bert Hornyak, Hawai‘i Public Radio (Jan. 12, 2022), <https://tinyurl.com/MeyerHornyak>, *see also* <https://fb.watch/fcQOdUe319/>. Both men clarified that the acts were committed by government employees, not contractors, with Captain Meyer stating, “The 6 May event was by operators who are government employees...” *Id.*

15. An October 2021 Mitigations Report in the wake of the May incident prescribed corrective actions, including proper construction of the pipeline system,

safety alarms to be restored and updated to proper working order, and clear instructions to follow the existing rules set forth by the Department of Defense. The operators of the Red Hill facility did not implement the corrective actions outlined in the Mitigations Report. The failure to take the required corrective actions led to devastating results a mere month later in November 2021.

16. In the meantime, evidence mounted that the May event contaminated the plaintiffs' water. After the May 6 release event, tests at the Red Hill Shaft showed elevated readings that exceeded environmental action levels on multiple occasions:

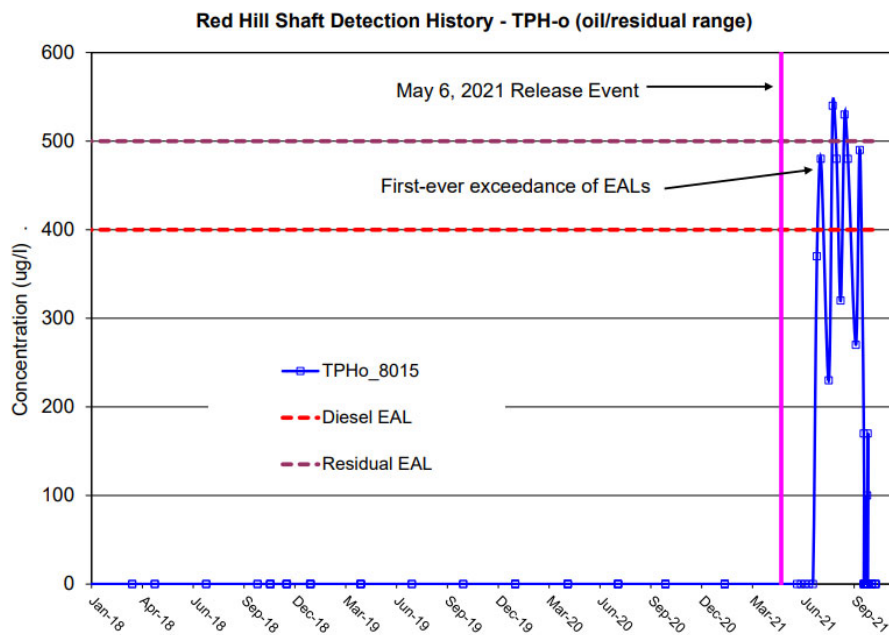


Exhibit D24, *Dept. of Health v. U.S. Dept. of Navy*, Dkt. No. 21-UST-EA-02 (Dec. 21, 2021).

17. The Navy did not reveal these elevated test results to the state for

months according to state environmental health officials. Alex Horton and Karoun Demirjian, *Military families say they were ill months before jet-fuel leak brought scrutiny to Pearl Harbor's tap water*, WASH. POST (Dec. 21, 2021), <https://tinyurl.com/WashPostSick>. “This is an early warning sign of something going on. And yet the [health] department was not aware of it, which is a concern,” said one such official, Felix Grange. *Id.* Following the May spill, many families showed up at hospitals to report symptoms such as eczema, rashes, skin breakouts, stomach conditions, nausea, headaches, forgetfulness, and extreme fatigue: symptoms known to be consistent with fuel exposure. *Id.*

B. On November 20, 2021, another negligent “operator error” of a federal officer caused a train cart to strike and break a pipe valve that erupted in a blast that injected thousands of gallons of fuel into the Red Hill water system.

18. On November 20, 2021, a United States Government employee operating a train cart negligently struck a fire suppression discharge pipe that contained thousands of gallons of fuel and water from the May 6 error. The damage triggered a catastrophic spill that injected jet fuel into the Red Hill well, the drinking water source for the plaintiffs.

19. Although the Navy initially claimed that there was no video coverage of the event, a source leaked a video:



Civil Beat, *Fuel Leak at the Navy's Red Hill Facility Nov. 20, 2021*, Youtube, <https://www.youtube.com/watch?v=GEGohRILrSA&t=3s>.

20. Admiral Samuel Paparo, USN, Commander of the U.S. Pacific Fleet, ordered a command investigation of the incident that was endorsed by him on January 20, 2022, and on June 6, 2022, by the Vice Chief of Naval Operations. The report broadly confirmed the findings of the first investigation. S.J. Paparo, *First Endorsement of RDML Christopher J. Cavanaugh, USN, ltr 5830 of 14 Jan 22 w/ encl: Command Investigation into the 6 May 2021 and 20 November 2021 Incidents at Red Hill Bulk Fuel Storage Facility*, (Jan. 20, 2022), <https://tinyurl.com/CavanaughReport> [hereinafter Cavanaugh Report].

21. The report confirmed the Navy's culpability under the FTCA for both incidents. "The Navy is responsible for the 6 May 2021 and 20 November 2021

fuel spills at the Red Hill Bulk Fuel Storage Facility . . . and subsequent water contamination,” the Cavanaugh Report reads. “[H]uman error was the primary cause” of both fuel spills “which led to as much as 3,322 gallons⁶ of fuel contaminating the Navy drinking water system.” *Id.*

22. The human errors (negligence) were further delineated in the Findings of Fact and Opinions (emphases added) in the reports:

Finding of Fact 41: “On 6 May 2021, Red Hill operators *improperly* executed a fuel transfer procedure, resulting in two piping joint ruptures and subsequent JP-5 fuel spill. Although unknown at the time, a fire suppression system sump pump transferred most of the fuel [up to 16,999 gallons] into a retention line, where it remained until 20 November.”

Finding of Fact 174: “On 20 November 2021, the Red Hill rover *inadvertently* struck a fire suppression system retention line drain valve with the passenger cart of a train, cracking the PVC pipe near Adit 3. Although not known at the time, this retention line contained up to 16,999 gallons of JP-5 fuel from the 6 May spill. A portion of this fuel was released to the environment and ultimately entered the Red Hill well and the Navy water distribution system.” Appendix C notes: “A total of 3,322 gallons of remain unaccounted for, and some or all of that fuel contaminated the Red Hill well and Navy water distribution system.”

Opinion 1: “The proximate cause of the fuel spill on 6 May 2021 was *human error*. The [Control Room Operator] and pump operator took *intentional shortcuts* when transitioning between procedures. Their improper valve operations resulted in drawing a vacuum in the JP-5 line, then rapidly pressurizing it. This pressure surge caused mechanical

⁶ This amount was later increased to 5,542 gallons (noted as “unrecovered”) in the Cavanaugh Report.

failure of two piping joints. This opinion is consistent with a root cause analysis conducted by Austin Brockenbrough and Associates, LLC, a private engineering and consulting firm.”

Opinion 20. “The proximate cause of the fuel spilled from the fire suppression system retention line on 20 November 2021 was a failure to properly account for the fuel spilled on 6 May 2021 (*human error*) . . .”

Opinion 21: “The Red Hill rover *inadvertently* struck the drain valve hand wheel with the passenger cart of a train, causing the PVC pipe to crack and leak. This train is used to transit the tunnel system and likely contacted the valve hand wheel multiple times, weakening and finally cracking the pipe. FLC Pearl Harbor conducted a preliminary inquiry regarding this event, and the report postulates *excessive speed* may have caused the train to jump. The investigation team assesses it is more likely that the weight of fuel in the 14-inch diameter PVC pipe caused it to sag over time. Worn paint on the hand wheel suggests the train rubbed against it on several occasions...”

Opinion 30: “The proximate cause of contaminated drinking water was a failure to properly respond to the fuel spill on 20 November 2021 (*human error*).”

Id.

23. These Findings of Fact and Opinions establish negligence and lack of due care on the part of government personnel. The operative actions are not discretionary functions—the federal operators had no discretion to “improperly” transfer fuel by violating a required procedure or to operate a train in a manner that would “inadvertently” strike and crack pipes. There was no weighing of policy or intentional decisions here – just negligence on the part of federal employees.

24. Moreover, the plastic material of the pipes—in defiance of military mandates for fire suppression systems—contributed to the explosion. The Navy

violated the Department of Defense requirement to use steel pipes for fuel transmission. The Unified Facilities Criteria specifications for the Department of Defense’s Fire Protection Engineering for Facilities, UFC 3-60-01, Section 9-9.2.1 . . . mandates “schedule 40 steel pipe” for such fire suppression systems like the AFFF system at the Red Hill Facility. Department of Defense Fire Protection Engineering for Facilities, UFC 3-60-01 (8 August 2016 as amended in 2020), https://wbdg.org/FFC/DOD/UFC/ARCHIVES/ufc_3_600_01_2016_c5.pdf. The weaker PVC pipes cracked under the pressure when hit by the cart—ultimately leading to the blast and release of tens of thousands of gallons of jet fuel.

25. On Thanksgiving weekend, November 27-28, 2021, residents of military housing neighborhoods began to complain to the Navy and the DOH that their water wasn’t right. They could smell fuel. They could see a sheen. The water reacted to flames.

26. But by November 30, ten days after the blast, the Navy had still not advised anyone on their water line that there had been a fuel leak that affected their water source or warned they should not use or drink the water. The Navy held town halls to address the odor in the water but failed to disclose the blast or warn of the resulting contamination.

C. The Safe Drinking Water Act and EPA regulations required the Navy to warn.

27. The Safe Drinking Water Act and EPA regulations required the Navy

to issue a Tier 1 public notice within 24 hours of confirming the Red Hill Shaft had been contaminated with JP-5 fuel. The federal government has expressly waived sovereign immunity under the Safe Drinking Water Act as an operator of a public water system. 42 U.S.C. §§ 300f-300j (1996); SAFE DRINKING WATER ACT AMENDMENTS OF 1996, 1996 Enacted S. 1316, 104 Enacted S. 1316 (“The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement”).

28. 40 CFR §141.201 outlines “General public notification requirements:” “Each owner or operator of a public water system . . . *must* give notice for all violations of national primary drinking water regulations (NPDWR). . .” A Tier 1 public notice is required for NPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, including:

“occurrence of a . . . waterborne emergency” (such as . . . a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination.

40 CFR §141.201.

29. The Navy was required to “[p]rovide a public notice as soon as practical but *no later than 24 hours* after the system learn[ed] of the violation.” 40 CFR §141.202(b). The Navy was required to “provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and

manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system.” Minimum notice requirements are laid out in the regulation.

D. After the blast, the Navy failed to warn residents of the danger.

30. The Navy knew of a chemical spill that “significantly increase[d] the potential for drinking water contamination” on November 20, 2021. But the Navy failed to issue a Tier 1 notice to water system customers.

31. Despite a legal obligation to do so noted by the EPA in their investigation report, the Navy failed to provide notification to water system customers in the required timeframe after “confirming the Red Hill Shaft had been contaminated with JP-5 fuel.” *See* Redacted National Enforcement Investigation Center Civil Investigation Report, Joint Base Pearl Harbor-Hickam Public Water System, Environmental Protection Agency at 5, <https://tinyurl.com/EPAInvestigation>.

32. On November 21, 2021, the Navy public affairs office issued a media release regarding the JP-5 fuel spill, stating that “personnel responded to what was initially assessed as a water leak shortly after 1700 (5:00 pm) on November 20, 2021. This pipe is not connected to the Red Hill Fuel tanks or main fuel pipelines, all of which are secure. Overnight, the release began to contain some amount of fuel which increased into Sunday (November 21, 2021) morning. Approximately

14,000 gallons of a mix of water and fuel was contained in the lower tunnel . . . and has been recovered and transferred to an above-ground storage tank as of midday Sunday. The Navy made initial notification to the DOH Saturday night (November 20, 2021) and is providing updates Sunday. *There are no signs or indication of any releases to the environment and the drinking water remains safe to drink.*” *Id.* at 5 (emphasis added).

33. On Saturday, November 27, 2021, at 1817 (6:17 p.m.), a JBPHH housing manager received the first customer complaint of a chemical smell in the water. By 0500 (5:00 a.m.) on November 28, 2021, JBPHH housing managers had received 42 customer complaints regarding water quality. *Id.* at 6.

34. On the evening of Sunday, November 28, 2021, a water sample was collected that “smelled of fuel” and the Red Hill main pump #2 was secured, but the Navy did not notify water customers.

35. On November 29, the Hawai‘i DOH put out an advisory to “all Navy water system users avoid using the water for drinking, cooking, or oral hygiene.” The advisory covered Aliamanu Military Reservation, Red Hill and Nimitz Elementary schools, and military housing. Officials said that all of the complaints received were from users of the Navy’s water system. “As a regulated water system under the jurisdiction of the DOH’s Safe Drinking Water Branch, the Navy is responsible for maintaining a safe and reliable source of drinking water to its

customers and to provide alternative sources of drinking water for human consumptive uses as deemed necessary,” the advisory said.

36. On November 29, by contrast, the Navy stated there was no “immediate indication” that the water was unsafe. Captain Erik Spitzer, USN, Commander of Joint Base Pearl Harbor-Hickam, told residents in military housing communities on November 29, “My staff and I are drinking the water on base this morning, and many of my team live in housing and drink and use the water as well.”

37. Ten days after the blast, on November 30, 2021, the Resident Services Office sent an email to families stating that the Navy had not detected petroleum constitutes in the water. They asked that all JBPHH residents flush their water systems. And they stated that they were still investigating the “source” of the odor.

38. These actions constituted negligent undertaking and failure to warn. The misrepresentations (that the water was safe to drink) were only collateral to the significant operational negligence described that primarily caused the injury. They are not excepted under the misrepresentation exception. *Holcombe v. United States*, 388 F. Supp. 3d 777, 794 (W.D. Tex. 2019) (“The government is liable for injuries resulting from negligence in performance of operational tasks even though misrepresentations are collaterally involved.”) Indeed, the fact that the government chose to lie as to the condition of the water is beside the point. The government

had a duty to *warn* affected families of the contamination and failed to do so.

**E. The Navy did not announce the leak until December 2, 2021—
twelve days after the blast.**

39. On December 2, 2021, the Navy finally announced that it detected petroleum products in its Red Hill Shaft. Rear Admiral Blake Converse stated “We identified the petroleum products from two different tests. One test was taken on Sunday night shortly after this incident was identified to the Navy. And that test identified trace amounts of very volatile hydrocarbons, which would normally be associated with something like a JP-5 or a diesel fuel,” Converse said. The second test found “clear indications of petroleum products in the gas space just above the waterline in the Red Hill well,” Converse said. “With both of those, we have pretty conclusive indications that there are volatile petroleum products in the well and we’ve determined that is the likely source of the contamination of our water distribution system.”

40. Follow on tests were no more encouraging. On December 10, test results from the DOH showed that hydrocarbons associated with diesel fuel were detected at 350 times the level the health department considers safe (the Environmental Action Level). A California lab found 140,000 parts per billion of total petroleum hydrocarbons as diesel or TPH-d. The DOH Environmental Action Level is 400 ppb. The water in the Red Hill shaft also showed gasoline hydrocarbons 66 times higher than the level considered safe. The lab found total

petroleum hydrocarbons as gasoline at 20,000 ppb. The Environmental Action Level for TPH-g is 300 ppb.

F. The Navy took responsibility for the blast and failure to warn.

41. Later, the Navy took responsibility for the failures at Red Hill. In January 2022, Admiral Blake Converse said, “I want to start by saying that the Navy caused this problem, we own it, and we’re gonna fix it.” Later, Admiral Paparo reiterated:

The Navy is responsible for the 6 May 2021 and 20 November 2021 fuel spills at the Red Hill Bulk Fuel Storage Facility (Red Hill) and subsequent water contamination.

The Navy has a moral obligation and ethical duty to fix our mistakes, safeguard the environment, and rebuild trust. We must act.

See Cavanaugh Report at 127.

G. The Navy knew it was not safely operating the Red Hill fuel tank system.

42. The Navy knew that it was not properly operating the Red Hill fuel tank system in a manner that would prevent a fuel leak.

43. In an effort to mitigate the risk associated with inadvertent releases of fuel from the Red Hill facility, the Navy established an agreement with the State of Hawai‘i in January 2008: “Red Hill Bulk Fuel Storage Facility Final Groundwater Protection Plan” (GPP). The GPP documented leaks from various tanks from the 1940s to the 1980s, totaling up to 200,000 gallons of dangerous fuel. The Plan

stated:

In order to mitigate the risk associated with future releases, the U.S. Navy *will*: Implement a rigorous tank maintenance program, and Continue to research and investigate a viable leak detection system for the Facility. . .

Department of the Navy, Commander Naval Facilities Engineering Command, Pacific, *Red Hill Bulk Fuel Storage Facility Final Groundwater Protection Plan: Pearl Harbor Hawai‘i* (Jan. 2008), <https://tinyurl.com/RHFGPP> (emphasis added).

44. The Navy’s own audit confirmed that it was not complying with the requirements of the Final Groundwater Protection Plan. Between October 2008 and May 2010, the Navy conducted an audit of the Red Hill facility. In August 2010, the Navy completed its audit report and found “four areas of concern” that included: “groundwater contamination; tank inspection and maintenance requirements and schedule; detection of fuel releases; and completion [non-compliance] of response actions *required* by the GPP.” Naval Audit Service, *Audit Report: Department of the Navy Red Hill and Upper Tank Farm Fuel Storage Facilities (Redacted)* at 9 (Aug. 16, 2010) (made available by the Board of Water Supply), <https://tinyurl.com/NavyAudit> (emphasis added). “Based on the results of the audit work, we determined that the environment and groundwater sources in the Pearl Harbor area have not been sufficiently protected.” *Id.* at 11.

45. In January 2014, an improperly repaired fuel tank leaked up to 27,000 gallons of JP-8 jet fuel at the facility. Test results in soil vapor and groundwater in and around the tank indicated a spike in levels of hydrocarbons.

46. In the wake of this error and in order to prevent additional fuel leaks, the Navy entered into an Administrative Order on Consent (AOC) with agencies including the DOH and the EPA to take steps to ensure that the groundwater resource in the vicinity of the Facility is protected and the Facility is operated and maintained safely—an order that remains in effect to this day.

47. The “Frequently Asked Questions” in the AOC indicated a full awareness of the threats facing the Red Hill facility:

What is the likelihood of a future catastrophic release at the Facility?

...

The most likely catastrophic release scenario would be a piping failure with a release into the lower access tunnel. This vulnerability is being addressed by the Navy and DLA with the installation of oil tight doors in the tunnel system, along with a new fire suppression system to reduce the threat of a release caused by fire. Furthermore, the piping in the lower tunnel system is not buried or concealed and is visually inspected daily.

Red Hill Bulk Fuel Storage Facility – Frequently Asked Questions, Environmental Protection Agency, <https://tinyurl.com/EPARHFAQ>.

48. A risk assessment report prepared by defendant’s own consultant in 2018 described the chances of future fuel releases at the Red Hill facility as:

- Greater than 27% probability of a sudden release of between 1,000 and 30,000 gallons of fuel each year.
- Greater than 34% chance of a sudden release of more than 120,000 gallons from the [Red Hill] in the next 100 years.

NAVFAC Pacific, *Quantitative Risk and Vulnerability Assessment Phase 1: Red Hill Bulk Fuel Storage Facility, NAVSUP FLC Pearl Harbor, HI (PRL)*

(November 2021) at pp. 12-29, 14-1, <https://tinyurl.com/RHRisk>.

H. The Navy’s “flushing” and other cleanup efforts added insult to injury for affected families and compounded the toxic harm.

49. As the extent of the crisis became undeniable, a series of senior U.S. Government officials apologized and promised to make things right. Captain Spitzer, who had previously told families the water was safe to drink, backtracked and apologized, “I regret I did not tell our families not to drink the water.” On December 6, Secretary of the Navy Carlos Del Toro, on a previously scheduled visit to Hawai‘i for the 80th Anniversary of the attack on Pearl Harbor, toured the facility. He publicly apologized for the crisis and said, “We are committed to rebuilding this trust. We’re doing everything we can try to fix the problem.” He also finally announced to the public that the Navy had temporarily suspended the use of the fuel tank facility nine days earlier on November 27 – days before they warned residents of any toxic danger to their water.

50. On December 14, the Deputy Secretary of the Department of Defense, Dr. Kathleen Hicks, visited. “At DoD, we recognize the need to continue to care

for all affected personnel and their families and help them return to their homes in a safe and expeditious manner,” she said, “We also recognize we need to double down on our efforts to earn the trust and confidence of the people of Hawai‘i in our ability to manage this situation. . . I am committed to ensuring the health and well-being for our Service Members, their families, the people of Hawai‘i, and the environment.” Statement by Deputy Secretary of Defense Dr. Kathleen Hicks Following Her Visit to the Red Hill Bulk Storage Facility in Hawai‘i, (Dec. 14, 2021), <https://tinyurl.com/HicksStatement>.

51. In spite of the promises, the actual efforts to remediate the water situation only compounded the harm. The Navy’s initial flushing program asked residents to run their water, and flush toilets and other devices to remove contaminants. Some residents reported that chemical fumes became overwhelming when they started flushing. The Agency for Toxic Substances and Disease Registry (ATSDR) makes clear that fuel fumes constitute additional exposure to the chemicals—as does the military’s occupational risk protocol for exposure to benzene. Families will testify that the flushing exacerbated their symptoms. In addition, many of the government personnel flushing these homes did so negligently, leaving water damage and more toxicity behind—causing further harm. Air tests of affected homes show that the aerosolized jet fuels were measurable weeks later. Most flushing teams emptied water heaters directly into

the yards—adding the toxins to the soil, which would then infiltrate the ground water and further contaminate the environment.

52. The Navy also opened water hydrants to run into residential streets, yards, and storm drains that run into the ocean—in violation of law. The Clean Water Act (CWA) regulates the discharge of pollutants and defines “discharge of pollutants” as “any discernable, confined and discrete conveyance from any point source.” 33 U.S.C. § 1362(12). The Act aims to prevent, reduce, and eliminate pollution in the nation’s water in order to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251(a). To accomplish this goal, Section 301(a) prohibits the discharge of any pollutant into waters of the United States that are not authorized by a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to section 402(b). 33 U.S.C. §§ 1311, 1342(b).

53. Section 301(a) of the CWA provides that “the discharge of any pollutant by any person shall be unlawful” unless the discharger is in compliance with the terms of an NPDES permit. 33 U.S.C. § 1311(a). The Navy is a “person” as defined in the CWA and has waived its sovereign immunity under the Act. *See* 42 U.S.C. § 6903(15); 33 U.S.C. § 1365(a)(1).

54. On November 29, 2021, residents of the military housing communities captured video of Navy personnel illegally flushing contaminated

water directly into residential streets and storm drains. The DOH confirmed that such flushing of tainted water occurred in violation of the CWA and Hawai'i Revised Statutes Chapter 342D-50, which prohibits the discharge of pollutants to state waters without a permit issued by the Director of Health. The brazen violation of environmental laws constitutes negligence. The DOH issued a cease-and-desist order to the Navy to stop the illegal flushing.

55. Furthermore, the Child Development Centers run by the military to provide childcare on base continued to have children use dangerous and contaminated water long after the contamination began. Despite repeated attempts to have the centers verify that children's porous plastic drink cups had been replaced, the Child Development Center was unable to confirm the replacement of all contaminated items known to pose a risk of exposure.

56. The Navy's response only compounded the harm to affected families. On December 2, the U.S. Army authorized evacuation and lodging expenses for affected families. The Navy did not do so until a day later, almost a week after water complaints began to flood in. The Navy estimates approximately 3,200 families were displaced from military housing to live temporarily in hotels. Families of four remained in single hotel rooms, where they lived for months.

57. On February 14, 2022, water in one portion of the Red Hill housing complex was cleared as safe to drink by the DOH. This clearance was based on

testing only 10% of the affected homes despite repeated requests from families to test all the homes. The “tests” did not test for petroleum and the vial samples were destroyed as set forth below.

58. The Navy’s flushing efforts did not include replacement of plastics or water heaters. Nor did the flushing effort include scrubbing the air of the air contaminants—a common practice in remediation.

59. Once the government cleared neighborhoods as “safe,” families were forced to move back into the homes that made them sick. Many families got sick immediately upon moving back into the homes. Residents reported that sediment from the fuel remained in the bottom of the water heaters, and they continued to get burned during showers and experience other symptoms. Many families continued to avoid use of the water.

I. Federal officers failed to provide appropriate medical care to families affected, compounding injuries that the Navy had caused.

60. After May 2021, active-duty military families, covered by the TRICARE health care program, reported to military health care facilities with symptoms of toxic exposure. They suffered from stomach cramps, vomiting, diarrhea, and rashes. Some asked about polyps and lesions they had noticed. Many reported slower thinking (brain fog), and that their children, previously well behaved and advanced for their age, had begun to behave erratically, regress in developmental milestones, recede into themselves, or become confused.

61. The standard of care for exposure to jet fuel or other drinking contaminants requires a neuropsychological assessment and baseline labs, including a comprehensive chemistry panel to test renal function, liver function, electrolytes, and complete blood count (CBC). Patients should also likely receive an X-Ray or EKG.

62. In fact, the United States Government recognizes the risk of benzene exposure in its' own policies and procedures—and has a clear testing approach to addressing such risk. In DODD 6055.05-M, military personnel who have occupational exposure to benzene get an initial and annual exam. They are “required” to get a “complete blood count” with “results reviewed by an examining physician.” If they have faced “emergency exposure,” they are to receive an “end of shift urinary phenol test.” The Department of Defense Occupational Health Surveillance Manual, DODD 6055.05-M (4 May 1998 as amended in 2018).

63. These standards were not met. When the plaintiff families presented to emergency rooms or “exposure tents” that were set up by the Army and Navy, most were denied any tests or labs. Families have even been told that testing is “impossible” and that the toxicologist at Walter Reed advised against ordering labs or other tests for fear of the implications of the care that would be required thereafter.

64. Not only did military providers fail to meet the standard of care upon

initial exposure, they failed to follow the appropriate protocols to treat the plaintiff families thereafter. Their care has been rife with medical delay, failure to treat, and failure to diagnose.

65. For example, military providers have failed to screen for the illnesses that the United States itself has documented as related to exposure to water contaminated with jet fuel. Military providers repeatedly told patients that there is simply “no research” on the issue—notwithstanding the volumes of government research on similar circumstances at Camp LeJeune. Camp LeJeune, North Carolina, Agency for Toxic Substances and Disease Registry, <https://www.atsdr.cdc.gov/sites/lejeune/index.html>.

J. After the filing of the initial complaint in this matter, reports emerged that the Navy discarded critical evidence that would have revealed the extent of the harm they caused.

66. In September 2022, reports emerged that water samples taken by government personnel from over 1,000 affected homes were “never tested for fuel” and were ultimately discarded. Sophie Cocke, *Hundreds of Water Samples Never Tested for Fuel*, HONOLULU STAR ADVERTISER (Sept. 6, 2022), <https://tinyurl.com/RHWaterSamples>. Military officials such as Admiral Timothy Kott, USN, told families in town halls after the contamination, “We are working aggressively to try to figure out what is in the water.” *Id.*

67. However, the Navy’s flushing of its “main distribution system” and

family homes “likely diluted” the presence of contaminants and diminished the ability to ascertain the chemical composition in the contaminated water. *Id.* The Navy ultimately collected water samples from over 1,000 homes, but never tested these samples for “petroleum chemicals”:

Instead, the Navy did a rough screening of the samples for total organic carbon, which can indicate that the water is contaminated but not with what.

Id. The Navy then represented these tests on their online database as “non-detect.”

Id.

68. “The Navy could have sent the samples that it collected from homes to the EPA labs for additional testing, but instead *says it dumped the water and threw out the vials after one month of storage.*” *Id.* (emphasis added).

69. The Hawai‘i Supreme Court recognizes the elements of a negligent spoliation of evidence claim:

For a claim of negligent spoliation of evidence, jurisdictions generally require that the plaintiff prove: (1) the existence of a potential civil action; (2) a legal or contractual duty to preserve evidence that is relevant to the potential civil action; (3) destruction of that evidence; (4) significant impairment in the ability to prove the lawsuit; (5) a causal relationship between the destruction of evidence and the inability to prove the lawsuit, and (6) damages.

Matsuura v. E.I. du Pont de Nemours & Co., 102 Hawai‘i 149, 166-67, 73 P.3d 687, 704-05 (2003) (cleaned up). Here, the Navy was well aware of the existence of a potential civil action. Beyond the unprecedented media attention on the issue,

plaintiffs began filing SF-95 claims starting in February 2022. The chemical composition of contaminated water in the Navy’s possession was highly “relevant to the civil action” as it would have helped prove the families’ chemical exposure. The Navy destroyed the evidence, creating a “significant impairment in the ability to prove the lawsuit” while will in turn cause damage.

K. Additional leaks of dangerous substances from the Red Hill facility raise additional questions as to contaminants in the water from the fuel leak.

70. On November 29, 2022, another leak of dangerous substances occurred at Red Hill. Late that day, approximately 1,100 gallons of toxic fire-suppressing foam leaked into topsoil and into the underground facility, according to the Hawai‘i state health department. State of Hawai‘i, Department of Health, *Red Hill AFFF Fire Suppressant Spill – Dec. 2 Update* (Dec. 2, 2022), <https://tinyurl.com/RHSpillDecUpdate>. So-called “forever chemicals” – or PFAS – were released into the environment by the spill. Often used to suppress fuel fires, the aqueous film forming foam (AFFF) contains chemicals known to cause cancer. U.S. Centers for Disease Control, *Per- and Polyfluorinated Substances (PFAS) Factsheet - CDC*, https://www.cdc.gov/biomonitoring/PFAS_FactSheet.htm. So far, the Navy has refused to release videos of the incident, prompting more distrust of the Navy around O‘ahu. Sophie Cocke, *Navy Refuses to Publicly Release Video of Latest Red Hill Spill*, HONOLULU STAR ADVERTISER (Dec. 6, 2022),

<https://tinyurl.com/RefusesRelease>; *Off The News: Navy's Changing Story on Video*, HONOLULU STAR ADVERTISER (Dec. 6, 2022),
<https://tinyurl.com/VideoEditorial>.

71. Recently, the government for the first time acknowledged that another PFAS spill occurred in December 2019 and contaminated the soil outside of the Red Hill Facility. Sophie Cocke, *Toxic Red Hill Spill in '19 Affected Soil, Navy Reveals*, HONOLULU STAR ADVERTISER (March 18, 2023),
<https://www.staradvertiser.com/2023/03/18/hawaii-news/toxic-spill-in-2019-affected-soil-navy-reveals/>. The Navy told no one about this contamination for over three years, claiming it was “not required to report the incident to regulatory agencies.” *Id.*

72. Contemporaneous tests also showed the presence of 2-(2-Methoxyethoxy) ethanol in plaintiff's contaminated water, a fuel system icing inhibitor added to the JP-5 at the Red Hill facility. This dangerous chemical has shown reproductive toxicity effects on laboratory animals. Despite any belated warnings about jet fuel contamination, plaintiffs have never been warned that their contaminated water also contained this form of antifreeze.

73. The government has still not disclosed the full list of contaminants released from the fire suppression hose in November 2021, and many are rightfully concerned that PFAS was among them. Victims deserve to know what they

consumed so they can monitor for the appropriate lifetime risks with doctors they trust.

L. The Navy's operations at Red Hill likely violated additional regulations.

74. Upon information and belief, Navy officers violated additional regulations and mandatory requirements at Red Hill. Investigations are ongoing.

75. Congress foresaw the public health harm posed by hazardous substances such as jet fuel and passed key legislation to prevent toxic exposure. In the 1970s, Congress passed the CWA and the Safe Drinking Water Act (SDWA), 42 U.S.C. §300f et seq, requiring the EPA to establish regulations ensuring clean and safe drinking water for the public. The legislation and implementing regulations are intended to prohibit the discharge of “oil and hazardous substances” into the environment because of the serious and severe threat to public health posed by these substances. *See, e.g.*, 33 U.S.C. § 1321.

76. The SDWA was established to protect the quality of drinking water in the U.S. This law focuses on all waters actually or potentially designed for drinking use, whether from above ground or underground sources. The Act authorizes the EPA to establish minimum standards to protect tap water and requires all owners or operators of public water systems to comply with these primary (health-related) standards.

77. National Primary Drinking Water Regulations (NPDWRs or primary

standards) are legally enforceable standards that apply to public water systems.

Primary standards protect public health by limiting the levels of contaminants in drinking water. The EPA provides a table listing the Maximum Contaminant Level (MCL) for various chemicals, the highest level of a contaminant that is allowed in drinking water. MCLs are enforceable standards. The MCL sets enforceable limits for benzene (.005 milligrams per liter), toluene (1 milligram per liter), ethylbenzene (0.7 milligrams per liter), xylene (10 milligrams per liter), and other light petroleum distillates.

78. The State of Hawai‘i has adopted a State Water Code, codified in Chapter 174C of the Hawai‘i Revised Statutes, which states in relevant part:

Declaration of policy. (a) It is recognized that the waters of the State are held for the benefit of the citizens of the State. It is declared that the people of the State are beneficiaries and have a right to have the waters protected for their use.

Haw. Rev. Stat. 174C-2.

79. Hawai‘i law also regulates potable water. The Hawai‘i Department of Health Rules Relating to Hawai‘i Potable Water Systems (Hawai‘i Administrative Rules [HAR] Title 11, Chapter 20) set forth Maximum Contaminant Levels of certain chemicals in public and private drinking water systems. These MCLs are analogous to the National Primary Drinking Water regulations but additional substances are regulated.

80. Federal and State programs for the management of underground

storage tanks such as Red Hill were first published in the 1980s. In January 2000, the State of Hawai‘i promulgated rules requiring owners and operators of such facilities to report suspected or confirmed releases from USTs.

81. All of these regulations provide mandatory requirements for federal agencies and federal officers, and the extent of the Navy’s violations at Red Hill will be subject to discovery.

M. Affected families have suffered extraordinary, compensable harm.

82. The Navy’s jet fuel leaks—and conduct thereafter—have resulted in extraordinary inconvenience, illness, economic injury, and fear for each of the affected families. As set forth below, these families have experienced trauma not only from the poisoning but also from the aftermath. They were forced back into the homes that made them sick, only to render many of them ill again. Some families then spent their life savings or gave up important careers to uproot their families and move off the island or off the water line. And for many, the search for medical care has been a wild goose chase, as Navy officials continue to proclaim that there is no long term-harm.

83. Initial reported symptoms for these families were wide ranging, including abdominal issues, anxiety, exhaustion, headaches, muscle and joint pain, skin issues (rashes, blisters, dry skin). Many of these physical symptoms have persisted over time, and over 94% of families reported still struggling with anxiety.

84. The symptoms these families identified track closely with the symptoms reported in a survey conducted by the Centers for Disease Control:

Most participants reported experiencing one or more new or worsened symptoms after the incident (1,980; 87%), many of whom reported symptoms lasting ≥ 30 days (1,493; 75%). The largest percentages of reported symptoms were those related to the nervous system (62%), followed by the gastrointestinal system (58%), skin (58%), ear, nose, and throat (47%), mental health (46%), eyes (42%), and respiratory system (31%).

Alyssa N. Troeschel, et al. *Notes from the Field: Self-Reported Health Symptoms Following Petroleum Contamination of a Drinking Water System — Oahu, Hawaii, November 2021–February 2022*. MMWR Morb Mortal Wkly Rep 2022;71:718–719. DOI: <http://dx.doi.org/10.15585/mmwr.mm7121a4external> icon.

85. A follow-up survey conducted in September 2022 found continuing problems. 41% of respondents “reported an existing condition that had worsened,” “31% reported a new diagnosis” and “25% reported a new diagnosis with no pre-existing condition.” Mahealani Richardson, *Alarming new CDC survey shows ‘worse health’ among those impacted by Red Hill fuel spills*, HAWAII NEWS NOW, (Nov. 9, 2022), <https://tinyurl.com/CDCRDSurvey>. 80% of respondents reported health symptoms in the previous 30 days, and 65% had “high or very high confidence” the symptoms relate to the water contamination. Navy Water Contamination Follow-Up Survey Results, <https://tinyurl.com/CDCFollowUp>.

86. All of the affected families are at increased risk of future medical conditions associated with the components present in their contaminated drinking water and will require, at a minimum, medical monitoring.

a. The Feindt Family⁷

87. The Feindts, Patrick, Amanda (Major, U.S. Army),⁸ and their children P.G.F. and P.R.F., lived in the Ford Island neighborhood of Honolulu, Hawai‘i. The Feindt family moved from their off-base home in Ewa Beach to Ford Island military housing on Joint Base Pearl Harbor-Hickam at the end of April 2021.

88. In late November and early December, as her family struggled with an onset of debilitating symptoms such as nausea, vomiting, dehydration, diarrhea, migraines, lethargy, and neurological changes, Major Feindt got several notices in her email from government officials about the jet fuel spill that told her the “water

⁷ A more expansive explanation of the damages suffered by each of the below families is available in the attachment to their SF-95 form.

⁸ As an active-duty soldier, Major Amanda Feindt’s legal ability to pursue tort claims against the United States is limited under the doctrine enunciated in *Feres v. United States*, 340 U.S. 135 (1950). Major Feindt and all other active-duty soldier spouses of named plaintiffs in this litigation are still evaluating their potential claims in light of the recent exception to *Feres* passed in the National Defense Authorization Act of 2020 permitting administrative claims against the United States for personal injury or death of a member of the uniformed services that was the result of medical malpractice caused by a Department of Defense health care provider. Although this First Amended Complaint covers their families, none of the active-duty family members waive any of their potential claims.

was safe to drink.” The Feindts also received notification that their children were being provided clean water at their on-base Child Development Center since 29 Nov 2021, but the Navy did not supply clean water to the center until December 10, 2021. Despite the family’s exposure through their home and her children’s secondary exposure endured at the Child Development Center on the same water line, Major Feindt and her husband’s pleas for testing and information went repeatedly unanswered by government officials.

89. Patrick and their two children were denied basic testing when they presented at Tripler Army Medical Center with acute reactions to the contamination, breaching the standard of care. Tellingly, Major Feindt was given a battery of tests as a military officer (consistent with the appropriate standard of care) that were denied to her own family. Their children’s lives have been turned upside down as multiple doctors have tried to explain and treat their symptoms.

90. Initially moved into a hotel for months, the Feindts were finally transferred off of the island after immense effort and financial and professional sacrifice. Although the Feindts have moved to Colorado, the health problems caused by the water contamination have come with them.

91. Patrick (a PGA Golf Professional) has had more than six medical procedures and internal bleeding as the doctors struggled to find the cause of illness. He continues to experience debilitating abdominal and flank pain that

radiates down to his testicle which required exploratory surgery, during which three small hernias, stomach ulcers, large and small intestine damage was noted. He was given a capsule camera, endoscopy, a colonoscopy, and the surgeons took several biopsies. He was also given a double balloon procedure to view his intestines. The gastroenterologists have ruled out most suspected gastrointestinal issues and they are now turning to neurology to find a possible source of his pain. He will need a brain scan in the coming weeks. Mr. Feindt had to resign from his Director position in Hawai'i and file for unemployment, leaving Major Feindt as the sole provider for the family.

92. Both children have experienced sustained symptoms including diagnosed regressive and hyperactive behavioral changes, P.G.F. is currently seeing a pediatric specialist, psychiatrist, psychologist, hematologist, immunologist, dermatologist, speech and occupational therapist(s), and neurologist and was placed on new medication for the behavioral issues. P.R.F. has seen a pediatric specialist, pulmonologist, dermatologist, and was denied hematology, which the family is currently fighting.

93. Patrick Feindt and his entire family have suffered from the reasonable fear and lasting trauma of the government's water contamination and lack of transparency. To this day they have no idea the full extent of the exposure of their children at their home or the Child Development Center because the government

has refused to provide requested information. They look to the families affected by Camp LeJeune and reasonably fear for their medical futures.

b. The Freeman Family

94. The Freeman family, Nastasia, her husband (an active-duty Navy Ensign), and their children, K.F., D.F., and N.F., lived in the Aliamanu Military Reservation neighborhood of Honolulu, Hawai‘i.

95. Nastasia Freeman’s family has been plagued with abdominal pain, vomiting, memory loss, skin rashes, brain fog, eye irritation, seizures, and teeth and gum issues because of the fuel leaks caused by the Navy. A dormant, preexisting seizure disorder flared up for Nastasia⁹ in the wake of the Navy’s jet fuel negligence and she began suffering from multiple seizures a day, ending any chance of continuing her life as usual.

96. During these episodes, Nastasia becomes disoriented, panicked, and sometimes loses consciousness. When the seizure passes, Nastasia is exhausted

⁹ Under Hawai‘i law, the Navy is responsible for any predisposition to injury or preexisting injury (known or unknown) that were exacerbated by its negligence. Indeed, the Hawai‘i Supreme Court has made clear that a tortfeasor is responsible “for all injuries legally caused by the defendant’s negligence. However, it is well settled that a tortfeasor is liable not only for damages resulting from direct and unique injuries inflicted on the victim, but also for damages resulting from the aggravation of the victim’s pre-existing disease, condition, or predisposition to injury.” *Montalvo v. Lopez*, 77 Hawaii 282, 294, 884 P.2d 345, 357 (Haw. 1994). Many of the plaintiff families had preexisting injuries that the Navy exacerbated.

and stutters for much of the rest of the day. Because of the unpredictable and debilitating nature of these episodes, the mother of four was forbidden to drive and is wary of bodies of water, for fear of drowning if she were to lose consciousness in the water.

97. On December 9, 2021, after learning of her exposure to fuel-contaminated water, Nastasia had a virtual appointment with her primary care manager at Tripler. She expressed concern for her exposure and resurgence of seizure activity, as well as insomnia, migraine, and psoriasis. Her doctor ordered a referral to neurology but neglected to order appropriate labs to ensure Nastasia's health after this exposure. On December 29, Nastasia visited her primary care manager with flu symptoms. They ordered flu, COVID-19, and strep testing, but again neglected to order appropriate blood work.

98. While doctors attribute these maladies to their water, the military has failed to provide the most basic levels of healthcare for the Freeman family, breaching the standard of care. Military providers refused to order basic blood screening panels to check their liver and kidney function after toxic exposure. It was not until Nastasia ended up in the emergency room at the Mayo Clinic—off the island—that she was finally given the tests that she had needed all along. Her provider there was surprised by the lack of care she had received on base.

99. The Freemans were initially moved into a hotel but sought, through

multiple requests, to get off of the island. At great expense and difficulty, they moved to the mainland in February, but their harm has continued. The Freeman's purchased an \$850,000 home so that they had a permanent address and could receive medical care in California. A CT scan in April showed calcifications on Nastasia's bladder wall and the urologist found blood still present in her urine, prompting pending cancer screening on her bladder. She was referred to pelvic and genetic therapy, and the doctors did a screening for a family history of cancer. MRIs revealed multiple lesions on her brain and there is abnormal peripheral displacement of the pituitary gland which is causing the area to fill with spinal fluid. After multiple setbacks, she was admitted to Walter Reed to monitor brain activity and run more medical tests. Walter Reed questioned her increased dosage of seizure medication and was told that it was not controlling her symptoms. She was taken off the medication and some of her symptoms got better, but she knows she will be prescribed different medication soon. While at Walter Reed she learned she was also suffering from vestibular dysfunction. The doctors questioned why her medication was raised from 500 mg to 3000 mg on her seizure medication while in Hawai'i. She will be treated by her ENT doctor for the vestibular issues. A nephrologist is monitoring her kidneys. She was assured by Walter Reed that a team was available to continue her care back in San Diego, but so far, they have not been able to replicate the treatment plan.

100. Financially, Nastasia's work as a therapist has ground to a halt with her family's medical challenges. The cost of the move, the house, and the medical procedures has left her family in dire financial straits.

101. The Freeman children continue to suffer from the exposure. Their son, D.F., underwent evaluation for developmental delays and autism markers and was diagnosed with autism level 2. He is still experiencing symptoms and was hospitalized in April after going limp and losing consciousness. K.F. and N.F. are also still sick. Both K.F. and N.F. had abnormal lab results in August, which noted concerning areas in the liver, kidney, and pancreas. K.F. also had blood in his urine. N.F. woke up and was in so much pain that he was vomiting and could not move in mid-August. He was taken to the hospital on August 18 and 21, 2022, unable to support himself and with a fever.

102. Nastasia Freeman's medical care has been riddled with mistake, delay, failure to diagnose, and failure to treat. These medical failures have resulted in life-threatening injury—all while relocating and taking care of the rest of their sick family. Nastasia is beside herself. "I did nothing wrong; my kids did nothing wrong. However, the treatment, the retaliation, the negligence, the lack of decency to communicate between commands, and the responsibility and failure to provide medical screenings put my life at risk."

c. The Simic Family

103. The Simics, Jamie, her husband, a Senior Chief Petty Officer in the United States Navy, and their children, M.S., and J.S., lived in the Hale Na Koa neighborhood of Honolulu, Hawai‘i.

104. Once an active and attentive mother of two, Jamie found her life forever changed by the water contamination at Red Hill. Jamie has a condition called Ehlers-Danlos Syndrome. This condition often intensifies her symptoms from contaminated water. As mentioned above, Hawai‘i law makes clear that the tortfeasor is responsible for their victims as they find them, including preexisting conditions.

105. From July 2021 to November 2021, Ms. Simic was in the emergency room five times. Her doctors discovered a benign cyst on her kidney, a cyst on her breast, teratoma tumor on her ovary, and three legions that were removed from her colon and esophagus bone from September to December. She has undergone two colonoscopies, two endoscopies, a barium swallow study, multiple blood draws that revealed elevated levels of lipase, blood in her urine, heart monitoring, excessive menstrual bleeding, severe leg pain and swelling that makes it difficult to walk, leg paralysis, and swelling/itching under her arms. After dropping below 98 pounds, she began telling her children things they should know if she passed away.

106. Jamie was again admitted to the emergency room on December 6, 2021, for exposure to hydrocarbons. “The ER doctor only admitted me because my

colon was swollen, and I was throwing up and severely ill. He tried to send me home saying there was no way I was this sick because the leak was only two days, max two weeks.” Jamie remained in the hospital for four nights. During that time, she was not given the standard care for an exposure of this kind: EKG, neuropsychological assessment, kidney and liver panels, and CBC panels.

107. Since falling ill, Ms. Simic’s doctors have found multiple cysts, legions, and tumors throughout her body. Her two children have similarly suffered from neurological challenges, respiratory symptoms, and lesions.

108. While the Simics were finally diagnosed with their exposure, they have not received the basic level of medical care. Eight-year-old J.S. and nine-year-old M.S. suffered from the same symptoms as Jamie. Bouts of diarrhea, stomach aches, and vomiting would send the kids home from school. Both children suffered from infections on their face, and J.S. lost five teeth since December 4 – four requiring surgical removal. Their parents noticed a change in their behavior as the kid’s displayed aggression and became lethargic around the home. They are still suffering from bloody stool and diarrhea, headaches, leg and kidney pain, shortness of breath, heart palpitations, vomiting and lesions.

109. Jamie and her family have been in and out of the hospital multiple times since leaving the island in March. She has been to the emergency room over five times and hospitalized twice. She has had a colonoscopy, endoscopy, and

several biopsies which revealed issues with her stomach lining.

110. Jamie's son, M.S., sought medical care at Tripler Army Medical Center multiple times with various symptoms. Dates of visits include June 8, 2021, August 30, 2021, December 6, 2021 (ER; SF600 reported diarrhea, headache; no labs ordered), December 10, 2021 (PCM for routine well checkup, diarrhea, headache, and ear pain; no labs ordered), and January 11, 2022 (PCM follow-up, diarrhea, nausea, and headache reported). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the significant threat to public health they posed. Through their training and protocol, military medical providers possess an understanding of appropriate risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure the health of M.S. after his known exposure to fuel-contaminated water.

111. Similarly, Jamie's daughter, J.S. sought medical care at Tripler Army Medical Center multiple times with various symptoms. Dates of visits include May 7, 2021, May 27, 2021, August 6, 2021, August 12, 2021, August 17, 2021, August 24, 2021, October 20, 2021, December 4, 2021 (SF600 submitted; rash, diarrhea, nausea, headache, and fatigue), and January 11, 2022. Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocol,

military medical providers possess an understanding of appropriate risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure the health of J.S. after her known exposure to fuel-contaminated water.

112. Financially, the Red Hill leak has devastated the Simics, who threw out prized family possessions in their effort to leave the island and the contamination. They are considering selling their home to move where the family can get better treatment and say that this has wrecked them financially.

113. Psychologically, Jamie and her family remain riddled with fear about what happened with the water, exacerbated by the government's lack of transparency. She has debilitating concerns about the contaminates and their lasting effects on her and her family. "We don't even know what all was in the water. I just want answers."

d. The Arnold Family

114. Crystal Arnold, her four children, J.R.A., J.A.A., J.E.A., and J.B.A., and her mother-in-law, Barbie Arnold, lived in the Earhart military housing community on JBPHH. Over the summer and fall of 2021, the family began experiencing skin issues, headaches, facial pain, brain fog, memory issues, stomach pains, diarrhea, nausea, and vomiting. Despite numerous visits to their doctors at Tripler, they were told that there were no available tests for their

exposure.

115. After the November 2021 fuel spill, the family was forced to relocate to a hotel. This upheaval was incredibly stressful for the special needs family with a child with autism.

116. The Arnolds left the island in July 2022, but still experience many of the symptoms they acquired after their exposure, including fatigue, mood changes, and hair loss. They are worried about the possible health implications for their children and feel guilty for inadvertently exposing them to toxins.

e. The Aubart Family

117. With a distinguished thirty (30) year career working for the DOD and as a former Airman, Kevin Aubart and his wife Saori moved to Doris Miller Park, a military housing community on JBPHH from Korea in 2016.

118. Soon after the November 20, 2021, fuel spill, the Aubarts began to experience upset stomachs, burning throats, eye irritation, headaches, rash and dry skin, muscle and joint pain, brain fog, and anxiety. Many of these symptoms have persisted as of November 2022.

119. Being displaced in December 2021 was extremely difficult for the Aubarts. The life disruption continues as the family now spends several hundred dollars a year on bottled water. They will never trust the water in their home again and are terrified of the possible health implications that may await them.

f. The Boggs Family

120. AnnMarie Boggs and her daughter, R.B., as well as AnnMarie's mother, Cheryl Mello, were thrilled when they moved into the Radford Terrace military community in August 2021.

121. Almost immediately after moving in, the Boggs family battled dry skin, rashes, headaches, fatigue, nausea, hair loss, and burning eyes. After the November 20, 2021, fuel spill, many of their previous symptoms escalated as they also experienced additional symptoms of burning chest, joint pain, and racing heartbeat. At the Makalapa Clinic, they were told that there were no specific tests they could do. For months, they were forced to use bottled water for all drinking and hygiene needs, retrieving their water daily.

122. As of November 2022, the Boggs family continues to experience these symptoms, as well as anxiety, depression, brain fog, cough, irregular periods, muscle aches, stuffy nose, and abdominal pain. A family member was affected by the water contamination at Camp Lejeune, and they are terrified about what their exposure means for their future health.

g. The Coberley Family

123. Adrianna Coberley and her five (5) children, A.M., J.M., K.M., B.C., and O.C., struggled with their health for months in their home located in the Aliamanu Military Reservation military housing community.

124. Leading up to the November 20, 2021, blast, while Adrianna's husband was deployed, the family experienced headaches, increased irritability, rashes, missed milestones, and stomach pains.

125. Over the months that followed, the family battled additional symptoms of fatigue, joint pain, burning sensations, nausea, coughing, cold-like symptoms, skin irritation, mouth sores, kidney issues, and lasting anxiety and depression. The Coberley family's symptoms were recorded by Tripler military officials, and Adrianna was later refused toxic testing by Ohana Clinic care providers.

126. The family's December 2021 displacement impacted their daily lives, financial stability, physical health, family dynamics, and mental health profoundly. Adrianna was forced to haul clean water daily unassisted, and for months the family used bottled water for consumption, hygiene, and household chores. Adrianna became overwhelmed with anxiety as she helped her nine-year-old son battle suicidal thoughts and actions. The Coberley family was denied an Early Return of Dependents.

127. A.M. reported multiple symptoms to Army medical staff. Dates of visits include December 5, 2021 (SF600 submitted; GI upset, headache, eye burning, and mouth sores). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public

health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure.

Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

128. K.M. reported multiple symptoms to Army medical staff. Dates of visits include December 5, 2021 (SF600 submitted; GI upset, headache, eye burning, nasal congestion, nausea, and mouth sores). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

129. B.C. reported multiple symptoms to Army medical staff. Dates of visits include December 5, 2021 (SF600 submitted; fussiness, diarrhea, rash, and stomachache). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure.

Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

130. O.C. reported multiple symptoms to Army medical staff. Dates of visits include December 5, 2021 (SF600 submitted; fussiness, diarrhea, rash, and stomachache). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water. They eventually relocated to Washington to escape the contamination. As of November 2022, many of their symptoms remain. The family is now hyper vigilant about their water and purchased water filtration systems as well as all new kitchenware because of intrusive worries about water safety. Intense fears regarding their current and future health continue.

h. The Dietz Family

131. Richelle Dietz, B.D., and V.D, moved to the Earhart Village military housing community on JBPHH in February 2021. The family had been suffering from constant headaches, burning of the skin and throat, stomach pain, vomiting,

and diarrhea. After the November spill, B.D.'s headaches became so severe that the family spent \$5,000 to fly B.D. to California and have a risky operation done on his brain. On March 16, 2022, B.D. had surgery for a condition that was considered under control before the exposure to the fuel-contaminated water. Now, he is recuperating and has many questions and anxiety about the water. He has been unable to do the one thing that would once relieve his chronic headaches: take a long, hot shower.

132. The family still experiences diarrhea, rashes, general malaise, hair loss, abdominal pain, and had a recent diagnosis of eczema. Richelle has also developed cysts on her ovaries, and her doctor is recommending a partial hysterectomy. They have incurred additional expenses due to medical co-pays, purchasing water from a delivery service, and replacing their porous materials.

i. The Flewellen-Reynolds Family

133. Tiffany Flewellen-Reynolds, her active-duty husband, and their children, T.R. and A.R., were loving their time in their home in the AMR neighborhood on JBPHH. But over the summer of 2021, the family noticed an increase in headaches and skin irritation. Tiffany began to experience urinary tract infection symptoms and a burning sensation after showering. The family's symptoms spiked the week before Thanksgiving. They had skin irritation, dry skin, burning eyes/throat, diarrhea, abdominal pain, headaches, nausea, cough, muscle

pain, dry throat, numbness, and runny noses.

134. After the Reynolds learned about the contaminated water, the anxiety in the home skyrocketed. Tiffany's concerns about her health and the disruption to A.R.'s routine became overwhelming, and their out-of-pocket costs piled up.

135. The water crisis also took a toll on the Reynolds relationship. Tiffany often feels too sick to leave the home or participate in their usual family activities and was diagnosed with generalized anxiety because of the spill.

136. In 2022, the Reynolds are still experiencing depression, anxiety, headaches, and runny noses. They continue to spend additional funds to purchase bottled water and have concerns about their future health.

j. The Fritz Family

137. Jeff Fritz proudly served his country for twenty-six (26) years as a decorated Air Defense Officer in the U.S. Army before he retired as a Lieutenant Colonel and moved to Hale Na Koa military housing in Ohana Navy Communities with his wife, Anayansi. Over the summer and fall of 2021, the couple's retirement plans were shattered when Jeff began to have serious health complications. His VA doctors discovered skin cancer under his left eye, which was surgically removed. He also began experiencing blurred vision, migraines, and low levels of Vitamin D.

138. After the November 2021 fuel spill, Anayansi left the island because

of contamination concerns. The family was not offered a hotel, and the couple lived apart for many months. Jeff had to change his holiday plans with his children, which meant canceling and purchasing new plane tickets during Christmas. After a second skin lesion was discovered on Jeff's cheek, he had no choice but to give up his retirement dream.

139. Jeff had to give up his six-figure job with Booz-Allen Hamilton and spent almost \$20,000 out of pocket to move off-island. He incurred substantial out-of-pocket costs because of the spill and was not reimbursed because he was a retired civilian. The news about his health had a deep impact on his children who were still mourning the loss of their mother. With the added anxiety and pressure on Jeff, and his kids fearful they might lose their father as well, he made the decision to move to Florida to be closer to his children, even though he was not able to transfer his job there.

140. As of November of 2022, the family still experiences depression, anxiety, mood swings, general malaise, headaches, joint pain, abdominal pain, and brain fog. They also have fears about the unknown future of their health.

k. The Grow Family

141. Adriana and Alexander Grow moved to Hawai'i and into their Kapilina Beach Home, with their children, At.G., Au.G., and A.C.G., in September 2021. Alexander is a 100% disabled veteran and had been medically retired from

the Army after serving our country for ten (10) years. The Grow family was excited to start a new life on the island with their exchange student, Aitbeth Mudcha.

142. Joy quickly turned to grief as the family suffered the loss of their seven-month-old son, Apollo, in October. While the family grieved the loss, they also began to suffer from dry, itchy skin, stomach pains, eye irritations, headaches, hair loss, and fatigue during the fall of 2021.

143. After the November fuel spill, they continued to suffer from eye irritation, increased thirst, muscle and joint pain, nausea, dry skin, difficulty breathing, and stuffy, runny noses. They were forced to throw away their contaminated items and sell the rest of their belongings just to pay for tickets off the island and return to the mainland, unsure where they would be living.

144. As of November 2022, the Grow family is expecting another child. But they are still experiencing depression, dry cough, burning sensations in the nose and throat, and weakened immune systems. Adriana is unable to enjoy being pregnant because she was diagnosed with Gestational Diabetes and is bedridden. Having already experienced the loss of a baby, she is especially fearful that the long-term effects from the spill will impact her pregnancy or the health of her unborn child.

I. The Jessup Family

145. Sheena Jessup, and her children, B.B.J., B.J.J, and N.J., lived in the Radford Terrace military housing community on JBPHH since 2017. The Jessup family welcomed their son, D.J., in January 2021.

146. In June 2021, a month after the May fuel spill at Red Hill, Sheena Jessup began to have severe abdominal pain. Medical testing revealed an unexplained eight (8) millimeter growth on her liver. By Thanksgiving 2021, the family experienced intermittent stomach pain, unexplained headaches, nausea, dizziness, chills, muscle aches, rashes, lethargy, vomiting, diarrhea/changes in stool, burning skin, burning esophagus, and disorientation.

147. The family's symptoms were reported to Tripler medical providers at a triage tent, where Sheena was denied medical care and evaluation. For months, the family was forced to acquire potable water for consumption, hygiene, and household chores. In search of safe water, the family was forced to separate for five months, nearly doubling their living expenses.

148. B.B.J. reported multiple symptoms to Army medical staff. Dates of visits include December 7, 2021 (SF600 submitted; nausea, diarrhea, abdominal pain, and headache). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure.

Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

149. B.J.J. reported multiple symptoms to Army medical staff. Dates of visits include December 7, 2021 (SF600 submitted; nausea, diarrhea, abdominal pain, sore throat, and lethargy). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

150. N.J. reported multiple symptoms to Army medical staff. Dates of visits include December 7, 2021 (SF600 submitted (child not present); chills, vomiting, diarrhea, and headaches). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure

to fuel-contaminated water.

151. D.J. reported multiple symptoms to Army medical staff. Dates of visits include December 7, 2021 (SF600 submitted; vomiting, change in stool consistency, and rash). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

152. During their relocation, their trauma was compounded because of re-exposure at a Ford Island hotel, causing burns and months of additional fear for one of the children. The family has since discovered a growth on another child's thyroid. As of November 2022, the family is furious about the exposure their children endured and are deeply worried about their future health.

m. Kelly Jones

153. Kelly Jones, a resident of Maryland, was visiting a friend for the Thanksgiving holiday at her military home in Radford Terrace. She experienced intense stomach pains and diarrhea, and her trip was ultimately disrupted because of her symptoms.

154. After the spill in November 2021, Kelly returned home and was treated by several local doctors who tried to help with her symptoms of abdominal pain, cramping, diarrhea, lack of appetite, difficulty going to the bathroom, changes in her menstrual cycle, and heartburn. She was also given a urinalysis which revealed blood in her urine. Kelly has missed several days of work because of her symptoms. She was unable to eat many of her favorite foods because they increased her symptoms and she struggled to maintain her bowels.

155. In October 2022, Kelly was diagnosed with gastritis after a colonoscopy. Her bacteria breath test came back with signs of hydrogen gas in her intestines and many of Kelly's medical specialists have to be paid out of pocket as her insurance does not cover the expenses. She remains fearful about permanent health damage, and her potential for having children in the future. She still has symptoms of depression, anxiety, diarrhea, irregular menstrual cycles, general malaise, hair loss and abdominal pain.

n. The Kirkpatrick Family

156. Ashley Kirkpatrick and her son, D.K., lived in the Earhart Village military housing community on Joint Base Pearl Harbor-Hickam. Later that year, the family welcomed a baby boy, E.K.

157. Over the summer and fall of 2021, the family began to experience headaches, skin issues, mouth sores, light sensitivity, nausea, vomiting, confusion,

irritability, migraines, developmental delays, pregnancy complications, postpartum complications, and vision loss. Two-year-old D.K. and Ashley both had sores in their mouths. Despite numerous primary care and emergency room visits on base, the family was told there were no tests available for petroleum exposure.

158. The family faced undue financial and tremendous personal stress. Ashley's severe Binocular Vision Dysfunction led to the loss of her ability to drive, as well as the loss of her career in the Hawai'i Air Force National Guard. After the November 2021 fuel spill, the family was forced to evacuate their home and care for a newborn in a small hotel room. In December of 2021, while newly postpartum, Ashley and her family moved into a new home in the Schofield Barracks neighborhood.

159. The family left the island in September 2022 but continue to struggle with many of the symptoms and health concerns they acquired after their exposure. As of November 2022, Ashley is in the process of receiving a diagnosis for tumors that have appeared on her thigh. She is concerned with these new health issues and for her family's future health. Ashley is worried that the lack of care received on the island will continue to wreak havoc on her family's health.

o. The Lamagna Family

160. Audrey Lamagna, as well as her children Au-J.L. and Ai-J.L. were affected in their military home in Moanalua Terrace. Stomach pains, nausea, and

skin irritation symptoms were brushed off by the doctors in the fall of 2021.

Audrey suffered an ectopic pregnancy and the surgeons had to remove one of her fallopian tubes after having a lack of adequate health care that led to weeks of spotting, abdominal pain, and mental anguish from the miscarriage.

161. After the November spill, the children's lives were disrupted, and they struggled because of lack of sleep and added anxiety. Audrey was burdened with hauling and collecting water and extra driving, while grieving the loss of her unborn child. She also felt anxiety and exhaustion as the family looked for a way off the island. They were unable to leave until her active-duty spouse retired and they were able to move back to the mainland.

162. A.L. reported multiple symptoms to Army medical staff. Dates of visits include December 9, 2021 (SF600 submitted; bloating, abdominal pain, headache, lethargy, and muscle aches). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

163. Au-J.L. reported multiple symptoms to Army medical staff. Dates of

visits include December 9, 2021 (SF600 submitted; changes in stool consistency, abdominal pain, headache, lethargy, and rash). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

164. Ai-J.L. reported multiple symptoms to Army medical staff. Dates of visits include December 9, 2021 (SF600 submitted; lethargy, and rash). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

165. Audrey and her family have had to completely restructure their daily routines, stripped of all sense of normalcy. As of November 2022, the family is still dealing with anxiety, mood swings, irregular periods, headaches, runny noses, fluctuation in weight, and brain fog. The family was hit hard financially, having to

throw away their contaminated items and spend extra money on disposable kitchen supplies and laundry. They are fearful about the increased risk of cancer in the future.

p. The Maben Family

166. Joseph and Patricia Maben visited Hawai'i in November 2021 to spend time with their daughter, son-in-law, and grandchildren, the Feindts. They stayed at the Feindts' home in the Ford Island community on JBPHH. Shortly after returning home from their visit, they developed nausea, diarrhea, abdominal pain, and dizziness. Patricia was subsequently diagnosed with a stomach ulcer causing her daily discomfort.

167. The most painful part of the last year has been watching their daughter's family suffer through the aftermath of their exposure to the fuel-contaminated water. The Mabens are anxious and scared of what may be in store for their family in the years to come.

q. The Maloon Family

168. Isabel Maloon was ecstatic when her husband received military orders to Hawai'i. Their children, M.D., K.L., L.M., A.E., P.D., and C.T., were excited to move into their new home in Aliamanu Military Reservation military housing on JBPHH. In the summer of 2021, Isabel noticed a change in the family's health. Symptoms of coughing, difficulty breathing, dry skin, acne, brain fog, abdominal

pain, and urinary tract infection (UTI) symptoms were increasingly common yet dissipated when the family left the island to travel.

169. Isabel Maloon reported multiple symptoms to Army medical staff. Dates of visits include January 15, 2022. Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

170. After the jet fuel spill in November 2021, tropical island life turned into a daily battle to get clean, safe water. The family worries about the long-term symptoms. Emotionally drained from the ordeal, the family cannot wait to leave.

171. The weight of the unknown looms over the family. Isabel is worried about the long-term consequences. As of November 2022, the family still experiences anxiety, diarrhea, rashes, eye irritation, general malaise, hair loss, headaches, muscle and joint pain, runny noses, abdominal pain, and brain fog. Isabel has recurring yeast infections along with UTIs, and her vision is declining. The financial blow has yet to be absorbed as the family continues to pay out of pocket for things like clean water.

r. The McClanahan Family

172. Katherine McClanahan, her husband Brian (a military reservist), and their children, William (18) and E.M., have been living in Hawai'i on Officer Field, on JBPHH military housing. In the summer and fall of 2021, Katherine began experiencing troublesome symptoms. She had shortness of breath, joint pain, skin rashes, burning sensations that felt UTIs, black stool, and urgency for bowel movements. Brian also had shortness of breath.

173. After the November 2021 fuel spill, Katherine continued to experience the same symptoms and had blood work and urinalysis done. As Katherine waits for answers, she cannot help but feel disappointed in the military for putting her family in the situation that they find themselves in. Brian became sick and his job was affected. The family is fearful about their future and worried about the repercussions to their health.

174. As of November 2022, the family still reports symptoms of anxiety, diarrhea, rashes, eye irritation, general malaise, hair loss, headaches, muscle and joint pain, brain fog, and shortness of breath. Katherine experiences high frequency tremors, migraines with auras, Central Vestibular Dysfunction, and neurology issues. She has been to countless specialists, to no avail.

175. Brian lost his job and so the family must now pack their belongings and leave the island—without the help of the military. They are now not only

financially devastated but also homeless.

s. The Miles Family

176. Twenty-year Navy Veteran Belinda Miles, and her children, W.M. and L.M., lived in the Ford Island military housing community on JBPHH. In the summer and fall of 2021, the family began to experience symptoms that progressively worsened including swelling of extremities, intestinal distress, nausea, fatigue, dizzy spells, night sweats, lymph swelling, skin issues, genital irritation, earaches, headaches, vision changes, behavioral changes, developmental regression, anxiety, and depression. After Belinda's mother visited in early December, she experienced headaches, upset stomach, light sensitivity, fatigue, and brain fog.

177. After Belinda learned about the contaminated water, she paid for chemical testing for herself and her children. When she brought the alarming reports to Tripler Army Medical Center, her health concerns were dismissed. She was denied further testing and labs by multiple medical providers on multiple occasions.

178. After the November 2021 fuel spill, the family was forced to evacuate to a hotel. The displacement was incredibly disruptive for the special needs family.

179. As of November 2022, symptoms of skin sensitivities, abdominal pain, muscle and joint pain, headaches, fatigue, dry cough, ear ringing, and mental

health concerns continue. Inconvenience has amplified as the family spends thousands of dollars a year on veterinarian visits, out-of-network medical bills, and water delivery. They have been forced to adjust career goals and plan to return to the mainland as soon as possible, no longer trusting that the water in their home or at the children's on-base school is safe. The family feels that they will not receive adequate healthcare on the island. The family has since lost a beloved pet. Belinda can't sleep at night and is terrified her children will get cancer, a lesion, or fall ill. She is also worried for the future health of herself and her husband.

t. The Morris Family

180. Kelly Morris, a nurse, and her daughter, Hailey, lived in the Kapilina Beach Homes community near JBPHH. In the fall of 2021, they noticed unusual and alarming developments in their health including hormonal changes, breast lumps, unexplained fever, tremors, heart palpitations, unusual vaginal bleeding, urinary burning/pain, rectal bleeding, pain in extremities, anxiety, and depression. The family dogs also suffered from constant illness.

181. Due to their nonmilitary status, Kelly and Hailey were unable to evacuate their home. For months, they were unable to cook in their home, showered at a local gym, used out of home laundry services, and received bottled water for all drinking and hygiene needs. Between the medical bills, lost wages, costs for bottled water, and extra food costs, the Morris's were faced with

substantial debt that forced them to leave the island on their own dime.

182. As of November 2022, the Morris family has relocated back to the mainland, but their physical and mental health continues to suffer. Kelly has since undergone a breast biopsy and discovered a new thyroid nodule. She now has chronic urinary infections and awaits further gastrointestinal testing for new difficulty swallowing. Both Kelly and Hailey now have crippling anxiety and depression and will never trust their tap water again. They are frightened of increased risk of cancer, Hailey's ability to have children, and future unknown health issues.

u. The Overbaugh Family

183. Tiffany Overbaugh and her children, J.O. and B.O., lived in the Ford Island military community on JBPHH. Having just arrived on the island in mid-November 2021, the family was unaware of their exposure while staying in a nearby hotel and learned of the contaminated water on November 30, after receiving a copy of the press release issued by the Navy, just eight (8) hours after signing their lease. If the Overbaughs knew that the water in military housing communities had been poisoned with jet fuel, they would have never agreed to live there.

184. When the Overbaughs moved into their Ford Island home in January, the entire family's health rapidly went downhill. Symptoms included fatigue, brain

fog, hair loss, headaches, brain fog, yeast infections, menstrual changes, abdominal pain, sore throat, runny nose, cough, dry skin, rash, diarrhea, genital irritation/burns, back spasms, mouth sores, sore legs, muscle and joint pain, behavioral changes, developmental regression, and anxiety.

185. The family stayed in their home and was denied installation of a water filtration system, forcing them to rely on bottled water for all drinking and hygienic needs. After developing open wounds on her private areas from bathing, Tiffany's daughter was left with permanent scars and began to panic when her diaper was changed. Her son developed a fear of water and associates water with pain.

186. When the Overbaughs submitted urine samples to a lab to test for toxins, they discovered shocking levels of various chemicals, including methyl tertiary-butyl ether (MTBE) and ethyl tertiary-butyl ether (ETBE).

187. As of November 2022, the family lives separately. Despite leaving the island, many symptoms continue, with new symptoms of neurological impairment, balance issues, twitching, and tingling in extremities. Tiffany has been diagnosed with severe anxiety disorder and has undergone a hysterectomy. Inconvenience and costs mount as the family has purchased a new car, replaced household goods and clothing, undergone detoxification protocols, and must now pay for travel to reunite intermittently.

188. Tiffany relives the trauma of their exposure with each new doctor she meets in search of answers and is now leery of receiving medical care. She is terrified over the unpredictable future of her family's health and is overwhelmed with guilt for exposing her children to contaminated water.

v. The Perez Family

189. Kandyce Perez and her children, L.P., A.P., E.P., and F.P., moved to their new home on Aliamanu Military Reservation on JBPHH in September 2020. Over the summer and fall of 2021, when the kids started to get headaches, their parents made them drink more tap water to stay hydrated. As fatigue, brain fog, eye irritation, developmental delays, behavioral changes, joint pain, skin rashes, distorted vision, and a dry cough set in, Kandyce became worried.

190. After the November 2021 fuel spill, the family was left to pick up the pieces as they tried to deal with the stress, and lingering symptoms of fatigue, brain fog, and neuropathy. Kandyce struggled to do more than two tasks a day and felt exhaustion and brain fog. The Perez family feels that their trust in the military has been broken as they now face a lifetime of questions and concerns about their health.

191. In November 2022, the family reported they were still having symptoms of depression, anxiety, mood swings, rashes, general malaise, and neuropathy. Financially, the family has struggled with the additional costs of

bottled water, filters, and trying to see additional doctors out of pocket. Kandyce has to avoid the news and information about the spill because it makes her feel hopeless and anxious as she worries for the safety of her family.

w. The Pulou Family

192. Harry, Lorelei Pulou, and their six children, V.P., S.P., J.P., H.P., I.P., and F.P., have lived in Aliamanu Military Reservation military neighborhood since July 2017. Harry spent twenty-five (25) years serving this country as a soldier in the U.S. Army and had high hopes of enjoying retirement in Hawai'i following his last assignment on the island.

193. The year 2021 should have brought the family joy as they celebrated Harry's career in the military. But over the summer and fall of 2021, the family began feeling sick with brain fog, abdominal issues, behavior/mood changes, fatigue, rashes, migraines, eye irritation, shortness of breath, and hair loss. V.P. never got a menstrual period from after July, and she was diagnosed with polycystic ovary syndrome (PCOS). In October, Lorelei's symptoms became so severe she was admitted to Tripler due to migraines, body aches, dizziness, and vomiting. She was diagnosed with benign vertigo.

194. After the spill, their symptoms continued to worsen and the Pulous grew concerned about the long-term consequences of their exposure to the fuel-contaminated water. F.P. was rushed to the hospital several times due to her

ongoing severe skin issues. F.P reported multiple symptoms to Army medical staff. She was admitted to Tripler Army Medical Center in December 2021 due to an eczema infection and Hand Foot and Mouth Disease. J.P. was having trouble with his eyes and went to an optometrist. The entire Pulou family reported to military medical providers after the exposure; none were appropriately treated. The family still reports that their symptoms have continued as of November 2022.

195. Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

x. The Quintero Family

196. When Lacey Quintero, a proud Navy veteran, and her daughters, C.J.Q. and C.E.Q., arrived at the Navy Lodge on JBPHH's Ford Island in November of 2021, they noticed a petroleum smell coming from the shower. The family immediately began experiencing changes in behavior, fatigue, nausea, lack of appetite, aching bodies, brain fog, dry/itchy skin, and pancreatic pain. Later that month, after moving into their home in Officer Field, their symptoms worsened as

they also experienced burning throat, UTI-like symptoms, vomiting, diarrhea, stomach pains, rashes, nose bleeds, mouth sores, and vertigo.

197. After only a few weeks in their new home, inconvenience and financial stress mounted as the family was forced to evacuate back into a hotel. Additional financial stress was added when they paid out of pocket to move off base in search of safe water. Lacey felt betrayed by her country, for which she once fought to protect and serve. This was not the life after her military career she had envisioned.

198. As of November 2022, the family experiences hair loss, tinnitus, vision issues, muscle and joint pain, skin issues, and abnormal thyroid levels. Since moving off base the family feels isolated from losing the comfort and support of their military peers. Lacey endures trauma responses related to visiting doctors and the base itself. She is fearful of her family's ongoing symptoms.

199. After seeing recent updates about Camp Lejeune victims, Lacey is terrified of what her family's exposure means for their future health, especially her children's fertility. She searches for signs of leukemia, and wonders who will die first: herself, or one of her children.

y. The Staple Family

200. Disabled Army Veteran Joshua (Josh) Staple, his wife Kathleen (Katie), and their kids, J.S., G.S., N.S., S.S., K.S., and A.S., lived in the Aliamanu

Military Reservation military community on JBPHH. After the 2021 fuel spills at Red Hill, the Staples experienced gastrointestinal issues, headaches, fatigue, brain fog, abdominal pain, chest pain, anxiety, and depression.

201. The biggest toll was on Joshua's emotional health. At the end of November, as Josh's physical and emotional symptoms began to weigh on the veteran, he disappeared, leaving a suicide note. The Staples had no idea that the reason for this dramatic decline was Josh's consumption of fuel-contaminated water. After several days missing, Josh was returned home safely, and later checked into an inpatient facility.

202. The family reported their symptoms to a military triage tent, where they were offered no specialized care, and were instead told to report to Tripler if they wanted treatment. In December, S.S., a normally healthy eight-year-old, suffered chest pain that caused his parents to call 911. When paramedics arrived, his episode began to subside. After they made sure the child was stable, his mother immediately took him to the emergency room where they performed an EKG. The Staples were given no answers as to the cause of their son's alarming chest pain.

203. After the November 2021 fuel spill, the family was forced to evacuate their home during an already emotionally turbulent time, during which they also had to incur the cost of boarding their dog. The stress of displacement and the uncertainty of his family's health led to Joshua checking into a month-long

inpatient care facility for extra PTSD and mental health support. The family had to use bottled water for all cooking, drinking, and oral hygiene.

204. As of November 2022, Joshua's gastrointestinal issues and mental health concerns remain unresolved. He and his wife battle anxiety, sleepless nights, and overwhelming guilt about their family's exposure and what it means for their future health. They will never trust the water in their home again.

z. The Traina Family

205. Daniel (Dan) Traina, a disabled veteran, his wife, Diann, and their two children, Z.T. and J.R., moved to Aliamanu Military Reservation (AMR) military housing in JBPHH in August 2020. After a few months of intense physical therapy due to suffering a stroke in November 2020 and a suspected stroke two months later, he was back to surfing, attending car shows, and enjoying outdoor activities with his wife and children.

206. Following the November 2021 fuel spill, the smell of fuel permeated Dan's house. On or about November 27, Dan stood up but immediately fell to the floor. The thirty-eight (38) year old had lost all feeling on the left side of his body and was experiencing a splitting migraine. Dan was rushed to Tripler where he stayed for the next six (6) days.

207. J.R. was flushing his surgery site from wisdom teeth surgery with the contaminated water, resulting in a painful, swollen face and extended healing

times. He also suffered from headaches and rashes. Z.T. suffered from headaches, nausea, and rashes as well.

208. The once-surfer was now struggling to do basic tasks around his home and move throughout his community. Months of rigorous physical therapy earned Dan near normalcy, yet in a matter of weeks, he was forced to use a cane or walker just to stand. When his family is not there to assist him, he sometimes has to postpone basic needs such as eating meals, showering, and other self-care.

209. The Trainas were displaced from their home on December 3. With these hotels being far from his home and lacking necessities, they charged upwards of \$10,000 to their credit card to cover the extra expenses. Due to Dan's new limitations, being displaced for three and a half months was especially difficult. When his wife and children planned family outings, Dan was forced to stay behind.

210. Dan has spent the last several months juggling up to seven doctors' appointments per week. He often gets lost on his way to his appointments even though he has appointments at that facility three times per week. To account for this, he leaves up to two hours early for an appointment that is only 15 minutes away. By the time he gets to his destination, Dan is exhausted. Because of his weakness, just working the pedals is a struggle.

211. The challenge of his commute continues once he reaches the parking lot. Unable to walk to the door, he sometimes has to circle the parking lot multiple

times to get a handicapped parking spot. He then has to maneuver his heavy wheelchair out of the back seat because he is unable to get to the door using a walker.

212. After an arduous drive to physical therapy in August 2022, Dan's legs couldn't support him long enough to get his wheelchair out of his car. He had a particularly hard fall in the parking lot, relying on the help of bystanders to get into his chair. Because of the increased frequency of falls at home and elsewhere, his doctor is considering revoking Dan's driver's license. If this happens, the 39-year-old veteran will lose the last bit of freedom and independence he has, effectively rendering him home-bound due to his lack of resources and support.

213. Without access to adequate home-healthcare, Dan worries about and has to plan for contingencies that most people don't give a second thought to. Before making the decision to go to the grocery store, or to go get the mail, or to go upstairs in his own home, he worries about what he would do if the motorized shopping carts aren't charged, or if there is a crack in the sidewalk, or if he will have the strength to get back downstairs if he gets thirsty.

214. While Dan so desperately wishes for a return to the life he knew before, he continues to suffer from weakness on the left side of his body, memory loss, headaches, trouble breathing, exhaustion, loss of balance, depression, anxiety, esophageal burning, devastating mobility deficits, and overall loss of

independence.

215. The pain of his deteriorating physical condition has also taken a toll on Daniel's mental health, family dynamic, and marriage. His children have become caregivers and he reports that his wife has "caregiver burnout." The strain that this has left on the family has impacted them so significantly that Diann has filed for divorce. Knowing that he will eventually have to leave his children and move back to the mainland is the most painful aspect of his new reality.

216. Dan Traina sought medical care at Tripler Army Medical Center multiple times with various symptoms. Dates of visits include but are not limited to November 27, 2021 to December 3, 2021 (ER-admitted; left side weakness, migraines, potential stroke), December 7, 2021 (cardiology evaluation), January 4, 2022 (ER follow-up, migraines), January 13, 2022 (telehealth Neurology consult "[m]y opinion is that the water contamination fuel exposure likely contributed to his worsening headaches"), January 28, 2022 (follow-up, stroke and migraine). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocol, military medical providers possess an understanding of appropriate risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-

contaminated water.

217. Z.T. reported multiple symptoms to Army medical staff. Dates of visits include December 9, 2021 (SF600 submitted; nausea, diarrhea, headache, confusion, abdominal pain, and itchy skin and eyes). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

218. J.R. reported multiple symptoms to Army medical staff. Dates of visits include December 9, 2021 (SF600 submitted; nausea, diarrhea, headache, dizziness, and mouth swelling/pain). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

219. The Trainas exposure to this contaminated water has had a devastating

effect on every facet of their lives. Soon, Dan will be 3,000 miles away from his children, divorced, home-bound, and financially drained. He is terrified of how he is going to afford the care that he needs after losing Tricare benefits in the divorce. Unsure of what the future holds for their health, the family will perpetually suffer from anxiety.

aa. The Watson Family

220. Chad Watson and his wife Elizabeth moved to Halsey Terrace on JBPHH in July 2020 with their son, M.T. After the November 2021 fuel spill, the whole family began suffering from abdominal issues that were so severe they struggled to leave the house. M.T. also began to exhibit unusual behaviors.

221. They moved into a hotel on December 3. Throughout the month, the Watsons experienced coughing, congestion, fatigue, abdominal issues, and migraines. Chad's symptoms became unbearable, and he went to Tripler for his symptoms on December 18 and again on December 31. He was not offered testing for the water contamination.

222. Chad Watson reported multiple symptoms to Army medical staff. Dates of visits include December 18, 2021 (cough) and December 30, 2021 (cough). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an

understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

223. Chad was referred to the dermatologist for an abnormal mole and facial irregularity. His dermatologist said that there was a “strong possibility” that the contaminated water was related to the growth. Though most of their symptoms subsided after they stopped using the water, Chad is worried about the long-term risk of stomach ulcers or cancer.

bb. The Wheeler Family

224. Paige Wheeler, her husband, and their children J.W., A.W., and S.W. lived in the Radford Terrace military community on JBPHH. Since May 2021, Paige, who is medically fragile due to Hashimoto’s disease, suffered from hair loss, rashes, weakness, brain fog, headaches, upset stomach, chest pain, chills, and spots in her vision. Her children had chronic blistering rashes, skin growths, headaches, and more.

225. In May 2021, Paige’s entire left side radiated so much pain she was unable to walk and was rushed by ambulance to Tripler Army Medical Center. Despite Paige’s agony, Tripler neglected to perform any scans or investigate the source of her pain. Instead, they ordered a complete blood count (CBC), gave her a

lidocaine patch and painkillers then sent her on her way. Later, her Primary Care Physician (PCP), attributed her pain to sciatica and age and recommended she see a chiropractor.

226. Due to the fuel-contaminated water, the Wheelers applied for an Early Return of Dependents and Reassignment for Humanitarian Reasons, which was denied. The Wheelers faced undue financial stress as Paige, the children, and the family pets, were forced to return to the mainland in search of safer water on their own dime. Paige and the children now live in a friend's home on the mainland, until her active-duty husband fulfills his contract.

227. As of November 2022, the family's concerns for the future remain as Paige is overwhelmed with anxiety, depression, and guilt about letting her children and pets drink contaminated water. One of their beloved pets has since passed due to cancer. Paige is anxious about her family's exposure causing long term mental health issues. Paige fears that the toll taken on her already taxed immune system will exacerbate her Hashimoto's, and she worries about her children's increased risk for cancers or autoimmune diseases.

cc. The Wilson Family

228. Lindsey Wilson and her son, L.W., lived in AMR on JBPHH in 2021. After learning about the fuel spills, she felt betrayed and angry for her son. Because of their exposure, the Wilsons experienced headaches, brain fog, fatigue,

indigestion, and diarrhea. When two-year-old L.W. started complaining of an upset stomach over the fall of 2021, she became worried.

229. Lindsey feared the worst after reading about the jet fuel contamination in November 2021. After the Army Garrison denied the possible symptoms from drinking the contaminated water in a direct Facebook message, Lindsey knew she had to protect her family. Despite the dismissal, she turned to drinking bottled water as her son developed skin rashes on the lower part of his body. Lindsey felt lethargic and experienced brain fog, which she had never had before. Her stomach was upset, and she began to have diarrhea. L.W. also experienced stomach pain, and even though he was only two, he began asking for his parents to hold his tummy while he was on the toilet because of the pain.

230. Lindsey Wilson reported multiple symptoms to Army medical staff. Dates of visits include March 7, 2022 (shortness of breath and brain fog). Medical providers at Tripler Army Medical Center knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

231. As of November 2022, Lindsey still has anxiety and remains fearful

when she hears stories about the jet fuel spill because water had consumed her every thought for many months. After her husband retired, he had to abandon their plan of taking a DOD job in Hawai‘i because of their concerns about the safety of their tap water. Financially, the family was burdened with extra expenses while living in their military home because of water purchases, out-of-pocket parking while staying in a hotel, and water and air filters for their home. They also had extra expenses leaving the island which they had not planned on.

dd. The Witt Family

232. In August 2021, Elizabeth Witt and her husband were excited to begin their life in Hawai‘i and hoped to start a family. They both worked near their home in Officer Field on JBPHH, utilizing the island’s close resources to their benefit and getting by with one vehicle.

233. During the fall of 2021, Elizabeth experienced increased menstrual cramping and a longer menstrual cycle. She also had increased headaches and stomach pain. On or around December 8, she reported her symptoms to Task Force Ohana and began to document her medical issues. The SF600 Chronological Record of Medical Care noted her symptoms and “hydrocarbon exposure.” Elizabeth emailed her doctor and requested testing for petroleum poisoning. She was told there were none available, and the military doctors dismissed her concerns.

234. Around December 9, the Witts got a government-procured hotel, but found it was too difficult to stay there. The room was on the 25th floor, making it difficult to take their dog to the hotel. Both Elizabeth and Konner were working, while sharing one car. They returned to their home and used bottled water.

235. Elizabeth was thrilled when she got pregnant in early 2022, but she is still worried about the safety of her unborn child and the long-term impacts on the family's health. She struggles with the decision to start a family in a contaminated home daily. She still experiences depression and anxiety regarding the contaminated water. The family has been hit financially because of the additional expense of bottled water and disinfectants that they use to avoid exposing their unborn child to the water in their home.

ee. The Zawieruszynski Family

236. Amanda Zawieruszynski, her husband, and their children, J.Z., V.Z., and S.Z., moved to the Halsey Terrace community on JBPHH in 2017. After the November 2021 fuel spill, the Zawieruszynskis exhibited symptoms such as severe headaches, gastrointestinal problems, sore throat, rash, and more. With the prompt onset of severe symptoms of toxic exposure, the impact of the water crisis was felt in the family immediately. Within four months of their exposure, Amanda developed nerve damage in her brain, requiring excruciating injections every four weeks.

237. On or around December 1, Amanda went to the emergency room at Tripler because her throat and mouth hurt so badly that she was almost completely unable to eat, and she had a splitting headache. There, she was told that the pain in her throat and mouth was likely a chemical burn from her repeated ingestion of jet fuel. After discharge, Amanda discovered her medical records stated she suffered from a “virus” instead.

238. On or around December 3, she attempted to go to her primary care doctor at the Makalapa Clinic but was turned away because her issues were related to the water contamination. Amanda was sent to the Water Ohana Taskforce Clinic where she was told that they were “not doing any labs for the water.”

239. Amanda was dismissed on multiple occasions and suffered for weeks before receiving the news that she had nerve damage in her brain. Amanda’s concerns and requests for proper medical care for her daughter, V.Z., were also dismissed by military doctors.

240. As a result of the November 2021 fuel spill, the Zawieruszynski family was evacuated to three hotels over the next few months, all of which were uniquely unpleasant. One happened to be infested with termites. The displacement was extremely difficult for the family. During that time, the family was forced to humanely euthanize their beloved family dog, who had become sick after the fuel exposure.

241. Over the last year, the Zawieruszynskis lives have changed more than they could have ever imagined. Amanda and Michael's marriage was hit hard by the unimaginable stress and turmoil, causing them to separate in June of 2022. As of November 2022, symptoms of headaches, skin irritation, runny nose, brain fog, vomiting, bloody nose, memory loss, vision changes, spinal disc concerns, menstrual changes, mood changes, anxiety, and depression persist and have a profound effect on the family's daily life. Amanda takes daily medication and has undergone uterine surgery to address the abnormal bleeding that started after her exposure. She undergoes monthly treatments to numb and isolate the pain she experiences from the nerve damage caused in November 2021, something she also takes daily medication for.

242. Amanda relies on the goodwill of friends to help care for her family as she continues to suffer. She also continues to buy bottled water for safe drinking, as she will never trust tap water again. After the family's exposure, Amanda feels numb, anxious, and helpless regarding the future health of her family.

ff. Mark Anderson

243. In April 2018, Mark Anderson, along with his active-duty wife, moved to Pearl City Peninsula military housing community on JBPHH. In November 2021, Mark Anderson began to suddenly struggle with nose bleeds, bloody diarrhea, and dry skin. After Mark became lightheaded and fell while

working on a construction site, the couple sought medical attention.

244. When the Andersons visited the triage tent at AMR, they were told their water was contaminated, but he only received prescriptions for Mucinex and ibuprofen. Mark continued to experience random symptoms—and was unable to return to work until he was cleared by a doctor. Mark asked for bloodwork to test for toxins, but his request was denied. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

245. Mark remembers his coffee looked different and when he placed water in household cookware, the sheen became more prominent. The water began to have a distinct smell of “lighter fluid.” On December 10, Mark and his wife moved into a hotel. They would end up staying in three different hotels and, while this was meant to ease the burden of enduring the water crisis, it placed even more strain on the couple. They both began to struggle with depression and anxiety. Their home was flushed and tested several times, but the results were not provided.

246. Today, Mark still feels the effects of how his life was suddenly turned

upside down because of the Navy's negligence. The Andersons have relocated to Texas, but still struggle with many symptoms. Mark worries about the lasting effects their exposure will have on their future health, and how this will affect their ability to build a family together in the future.

gg. The Anton Family

247. Domestic abuse survivors Chris Anton, and her children C.C., M.C., and Z.C., moved into the Kapilina Beach Homes community in November 2020. Chris was optimistic about the new life she would build in Hawai'i. After the November 2021 fuel spill, Chris's family's health took a turn for the worse with bouts of vomiting, diarrhea, skin issues, headaches, and neurological issues.

248. On December 2, Chris discovered the bathroom "reeked of fuel." A few days later, the military retrieved water samples for testing. Chris recalled the team noting the smell of fuel in her home. A week later, a military member, along with two Hawai'i Department of Health personnel, collected more samples. Chris did not receive results from either of these tests. On December 10, Chris's son, M.A., had sudden and intense leg pain and lost his ability to walk. He was rushed to the emergency room where he underwent blood tests, urine tests, and had a chest X-ray.

249. The Antons were displaced from their home from December 13 through January 14, before they left the island to seek appropriate medical help.

The experience was traumatic. Along with the financial burden of hotel bills, moving off island, and mounting medical expenses, Chris had to find new employment and establish medical care—and the family experienced a period of homelessness.

250. It took months of physical therapy for M.A. to regain his ability to walk, and now suffers from psychological challenges, resulting in intensive treatment. Chris has had over seventy medical interactions, ranging from specialist appointments to procedures. Her daughter, Z.C., has recurring urinary tract infections, while C.C. has continued gastrointestinal issues. The entire family still suffers from psychological trauma. Chris struggles with anxiety over the family's exposure and their future health. And she lives in fear that the abusive partner she escaped will learn of their return to the mainland.

hh. The Briggs Family

251. In May of 2020, BeeBee Briggs, her daughter, Aurora Briggs-Linnen, and her minor children, L.J., I.J., and X.J., along with her parents, Vickie and Neil Briggs, lived in the Kapilina Beach Homes community. In 2021, BeeBee was diagnosed with invasive squamous cell carcinoma that required surgery and has since returned. Her previously diagnosed platelet disorder, Chronic Thrombocytopenia Purpura, worsened and her platelets plummeted after years of stability.

252. The November spill and its aftermath exacerbated the family's challenges. In January 2022, BeeBee was rushed to a hospital where it was determined she suffered a heart attack or blood clot and had abnormally high blood pressure and arrhythmia. She was referred to a specialist for possible oral "deep tissue [or] nerve issues."

253. BeeBee's mother, Vickie, and her daughter, Aurora, also suffered from various health issues related to the contamination. And the family sought medical attention for the children's various health problems. Neil Briggs, a Navy veteran, experienced chronic fatigue, difficulty breathing, and intense mood swings. In April, after his cardiologist became concerned, Neil returned to the mainland.

254. The family has endured significant financial impact and psychological stress. BeeBee has since lost employment and found herself unable to pay her rent. "I am really scared for their future," she said.

ii. The Burness Family

255. Military spouse, Cheryl Burness, and her children, N.B. and M.B., moved into the Halsey Terrace neighborhood in 2014. They fell in love with the island and made plans to retire there.

256. In the summer of 2021, Cheryl noticed a decline in her family's health, and they began experiencing multiple symptoms. In May 2021, Cheryl

moods became erratic, and she had trouble forming thoughts and sentences, and she was experiencing nerve pain. She struggled with gastroesophageal reflux disease that caused her to vomit stomach acid. She was tested to ensure her esophagus and gastric bypass pouch were not damaged. On September 25, with her husband deployed, Cheryl went to the ER with stroke-like symptoms. Brain scans showed white matter on her brain, and she was referred to a neurologist at Hawai'i Pacific Neuroscience, where she was diagnosed with Small Fiber Neuropathy. Both of Cheryl's children had constant headaches and stomach issues. M.B. struggled with dizziness, light sensitivity, and skin issues.

257. The November spill exacerbated the family's already fragile health issues. The family dog completely stopped drinking water. By Thanksgiving, every member of the family was struggling with intestinal distress, body aches, and headaches. On November 28, Cheryl read social media posts about "people's water smelling like gasoline." Cheryl checked her home's water and found a noticeable smell and sheen on the water. Cheryl immediately stopped using the water, however, her children continued to shower, limited to only three minutes. On December 1, the family moved into the Navy Lodge on Ford Island, paying for this themselves. While there, the family was required to endure COVID-19 tests every three days to remain at the hotel.

258. The family sought care from government medical providers, but the

care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

259. The Burness' home had its water tested twice—on December 3, and in late March. Cheryl saw the results of the first test online, but did not receive results for the second. Military officials never reached out to the Burness family to tell them if the water was or was not safe. The family finally returned home in March.

260. The family dynamic suffered, and relationships became tense. Worries about how this exposure could affect the children's developing bodies overwhelmed Cheryl. "Our lives were turned upside down by this. [The exposure] damaged us financially, physically, and emotionally. I now worry every day for my family."

jj. The Cameron Family

261. Hawai'i natives Alison Cameron and her son, E.C., lived in Kapilina Beach Homes. When E.C. was four years old, Alison's husband died of cancer at an early age. With their family history, and as a medical professional, Alison was diligent in making her family's health a priority.

262. But in 2021, Alison noticed a change. The Cameron family began experiencing multiple ailments. Alison had vision changes and ear pain, with intermittent hearing loss. Sudden facial swelling confounded Alison's health care provider. E.C. suffered from debilitating neurological symptoms, sudden mood swings, and rageful behavior.

263. The November spill exacerbated these conditions. Alison's skin issues escalated, with painful blisters forming on her body and in her mouth, and her hands were cracked and bleeding. In March 2022, Alison was diagnosed with thyroid issues, but the cause was undetermined.

264. The week leading up to Thanksgiving, Alison noticed a strong gas smell in her home. The night before Thanksgiving, Alison became so dizzy from the smell that she fell, splitting her head open. Alison realized her water left a greasy feeling on her skin, and noticed it had a foul smell. A few days later, Alison became aware of the Navy's water issues, but the Navy never alerted the Cameron family.

265. Alison paid to move her family to a hotel from December 9-23, and again from January 3-8. The family moved out of their Kapilina home at the end of January. Alison's career suffered and the trauma from her experience affected her ability to provide care for her clients—and forced her to take on fewer clients—directly impacting her income and financial stability.

266. The psychological trauma and fear for the future remain with the Camerons. Alison is worried about what their exposure means for their health. “I can’t sleep at night worrying about this. I am so tired and traumatized that I can barely focus on my life and act. I live every day in fear... My son begs me every day to move.”

kk. The Connaroe Family

267. In August 2021, military spouse Devon Connaroe and her children L.C., M.C., T.C., and E.C., moved into the Aliamanu Military Reservation neighborhood, and started to be plagued with multiple symptoms. Devon experienced brain fog and abdominal issues. L.C. struggled with digestive issues and mood changes. M.C.’s menstrual cycle became irregular, and she experienced anxiety. Every child battled body aches and headaches.

268. On November 21, 2021, Devon learned of the Navy’s fuel spill through a local newspaper. In late November, the family began suffering from intestinal distress, rashes, and dizziness. Devon noticed their home’s water had oil slick swirls in it, felt slimy to the touch, had an unpleasant taste, and smelled like gas.

269. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through

their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

270. The Connaroe family was displaced from their home from December 3 until March 13. While away from their home most of their symptoms resolved. After the home's water was flushed and their neighborhood was declared safe and the Connaroes returned to their home, Devon experienced joint pain and vertigo.

271. Devon has regret and anxiety about her role in her family's exposure and worries about the future. "I have a great deal of guilt and grief for not being able to protect my children from this continued harm since we moved into our home... The anxiety of the unknown effects [on] our health in the future is debilitating."

II. The Cotner Family

272. Elizabeth Cotner, her two minor children, M.C. and B.C., and her active-duty husband, were excited to check into the Navy Lodge Hawai'i in November 2021. After their arrival, they began experiencing severe oral bleeding, eye irritation, migraines, respiratory problems, and behavioral changes.

273. The family stayed at the Navy Lodge, where they were initially told the water was safe. Only later were they informed about the contamination. When

they were offered a home in the Radford Terrace neighborhood, they were unaware that the neighborhood was affected, too. Despite careful and limited use of the water, their symptoms persisted into the new year, leading to multiple appointments with their Tripler primary care providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water

274. The crisis has left Elizabeth anxious about her family's future health and the long-term effects of the exposure. "The effects of this [exposure] might not show for years... this was not [my children's] choice; they are stuck with this."

mm. The Cua Family

275. Joey and Alisha Cua, and their three minor children, Ka.C., Ke.C., and S.C., have lived the Hawaiian dream since 2014. Living in the Hale Na Koa neighborhood, the Cua family enjoyed an idyllic lifestyle, with Alisha, a retired Air Force veteran, dedicating her time to being a stay-at-home mom for her children.

276. In 2021, the family experienced a myriad of issues, including intestinal issues, chest pain, skin issues, and memory difficulties. S.C. complained

of stomach pains, which escalated to a hospital visit for constipation, low urine output, and vomiting. Tests revealed a mass in her colon and an enlarged ovary. Alisha's search for answers for her daughter continued through the summer, with S.C. eventually undergoing a sigmoidoscopy that uncovered a benign polyp in her colon. Alisha's health also deteriorated, with persistent brain fog, neck pain, and memory problems. Ka.C., experienced headaches, while Ke.C., who had knee surgery, suffered an allergic reaction to the dressings used on his incisions.

277. The November spill poured jet fuel on all of these family struggles, exacerbating their physical injuries and increasing their mental trauma. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

278. From mid-December until late March 2022, the family was displaced. The experience weighs heavily on Alisha, who now worries about the future for her family. "I don't know what was in that water, or what is going to happen because of it, I don't know if they will get cancer," Alisha said.

nn. Tara Davis

279. Military spouse Tara Davis moved into her home in Halsey Terrace hours after the jet fuel contamination was announced around November 28. The excitement of returning to Hawai‘i quickly turned to alarm. A few days after moving into the home Tara developed mouth sores that would not heal, and experienced intense headaches when the Navy flushed their home. The family cat became ill and was diagnosed with irritable bowel disease.

280. The family’s difficulties mounted as they were unable to move into a hotel because their recent moving expenses had not yet been reimbursed by the Navy. The family applied for Early Return of Dependents (ERD) in March 2022. Their request was approved, and they began planning for Tara to leave the island. But when Tara’s husband received new military orders, Tara no longer qualified for an ERD, and she was forced to remain on the island.

281. Tara fears this will mean an early death for her husband who has pre-existing conditions. “What our future looks like has changed completely ... I made the horrible mistake of believing the Navy when they said the base wasn’t affected. My house now feels like a prison, it now dictates what I do or don’t do, all because of contaminated water. Fear that has been exaggerated because the Navy has been less than transparent.”

oo. The DeLuca Family

282. Tiffany DeLuca and her minor child, M.D., along with her active-duty Coast Guard husband, moved into their home in AMR military housing community on JBPHH in June 2021. Shortly after their arrival, they were thrilled to find out that Tiffany was pregnant.

283. In September, Tiffany miscarried their baby. The same month, Tiffany and M.D. began developing skin rashes and, in November, M.D. began having headaches and stomach pain.

284. M.D.'s symptoms progressed rapidly after the November spill. In early December, Tiffany took M.D. to the medical tent for her stomach pain. She expressed concerns about M.D.'s ingestion of contaminated water, but was told it was constipation and to increase M.D.'s fiber intake. Neither Tiffany nor M.D. were properly treated. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

285. The next day, Tiffany moved her family to a hotel where they would stay for more than three months. Despite their home being flushed twice, Tiffany

will never trust the water in their home. This experience has taken a toll on the entire family and, while Tiffany has released some of the guilt she feels regarding her miscarriage, she now mourns the loss of her faith in the Navy.

pp. The Edrington-Martin Family

286. Danny Edrington and Anna Martin moved to the Kapilina Beach Homes Community in April 2021. With high hopes, and thousands of dollars invested in the move, the couple expected a healthier and more peaceful life in paradise.

287. Both Danny and Anna were healthy with no major health concerns when they settled into their new home. As time went on, they experienced a range of health changes that included fatigue, digestive issues, anxiety, and nosebleeds. Though they ate a health-conscious diet, their digestive problems worsened.

288. After the November fuel spill, they experienced intense headaches, skin issues, and mouth sores. After learning of the fuel spill, the couple limited their exposure to their home's water. Despite this, Danny suffered from temporary blindness when water got into his eyes while showering.

289. In January 2022, the couple decided to terminate their lease and leave the island, sacrificing their life in Hawai'i, and facing extreme financial impact. Although some symptoms have improved since leaving, Danny and Anna still struggle with intermittent digestion issues and headaches. With constant anxiety

and fear about their exposure, the experience has taken an emotional toll on them.

qq. The Faulds Family

290. Samantha Faulds and her three children, U.F., S.F., and C.F., moved into their military home in the AMR neighborhood on JBPHH in January 2021. Over the summer and fall of 2021, the entire family began having skin issues and headaches and Samantha noticed hair loss after showering. During the summer, the children seemed lethargic, and Samantha sometimes struggled to get out of bed.

291. The November fuel spill only made things worse. The Faulds were forced to move into a hotel and Samantha began having vertigo-like issues and struggled with her balance. S.F. seemed confused and disconnected, struggling with the change and displaying behavioral issues. Samantha had an open sore under her breast and felt disoriented. The family went to their military doctors in January, where Samantha was given an EKG and referred to a cardiologist for further testing. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

292. Samantha continued to experience headaches, nausea, lightheadedness, hair loss, lethargy, and skin issues. The children continued to have rashes, confusion, and behavioral issues. The stress of living in a hotel affected their moods and changed their routine. U.F. sometimes complains of chest pain. S.F. struggles with headaches and has intermittent breathing problems.

293. The family's relationships have suffered, and they have had extra expenses due to the water contamination—the camp shower and pop-up tent for showering in their backyard, disposable kitchenware, a water delivery service, air purifiers, and filters for every faucet in the home.

rr. The Ferrell-Kincaide Family

294. Brittnee Ferrell, Racheal Kincaide, and Brittnee's minor child, S.F., moved into the Kapilina Beach Home Community in the fall of 2021. After leaving an abusive relationship, Brittnee was filled with hope for her future with Racheal.

295. After the November fuel spill, the family suffered from headaches, vomiting, diarrhea, and skin irritation. Racheal developed intense bouts of confusion and brain fog, as well as internal and external piles (hemorrhoids).

296. In December, the couple turned on a window air conditioner unit and the room instantly smelled of fuel. The family evacuated their home, at their own expense, and moved off of the island as quickly as possible. To make the move possible, Racheal's savings account was depleted, they removed money from

Racheal's annuity, and obtained a high interest loan.

297. The family lost more than their dreams of a healthy, stable life in Hawai'i. They worry about the psychological and emotional impact the crisis had on S.F. Their fear of drinking contaminated water persists, with their anxiety exacerbated because they live close to a Texas military installation. Both Brittnee and Racheal now suffer from depression due to the traumatic experience they endured.

ss. The Gonzales Family

298. Sarah and her children, Kylie Gonzales, C.G., and M.G., moved into their military home in Earhart Village in December 2020. During the summer and fall of 2021, their lives were interrupted by symptoms of abdominal pain, diarrhea, hair loss, mood changes, and skin issues. Sarah went to the doctor for her stomach issues but left with no answers. The family took a vacation and Sarah's symptoms improved. But when the family returned home, so did her symptoms. Kylie began having severe skin issues and was prescribed multiple acne medications. C.G., who suffers from intellectual disabilities, struggled to keep up with his daily routine and seemed mentally shut down. M.G. became aggressive, and was seen at Tripler, but the doctors were puzzled by the unexpected behavioral changes. In late November, M.G. began screaming during her bath that the water was burning her skin.

299. After learning about the jet fuel spill the Gonzales family reported

their symptoms to the Tripler tent and attempted to follow up but were unable to get appointments. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

300. Sarah and the children moved into a hotel around December 7. With her military spouse currently deployed, Sarah dealt with the contamination alone.

301. Sarah still struggles with brain fog, gastrointestinal issues, and the shakes. But her stress is caused by fear of the lasting mental effects the contamination has had on her family. She is fearful about the long-term effects on her children and worries about cancer for the whole family.

tt. The Greendahl Family

302. In the fall of 2019, military spouse Larissa Greendahl and daughter, E.G., moved into the Ford Island Military Community, and in March 2020, Larissa gave birth to O.G., who was born prematurely.

303. In 2021, the Greendahl family began experiencing numerous ailments. Both E.G. and O.G., were seen at the emergency for high fevers and rashes. E.G. experienced sores in her throat and Larissa battled inflamed, bleeding rashes. By

September, Larissa was struggling to conceive a third baby. O.G.'s rashes reappeared on his legs and face, and as Larissa's rashes worsened, she was given an inhaler and epinephrine autoinjectors. In early November, urgent care prescribed antibiotics for O.G. The family's health issues had become a regular occurrence and Larissa began feeling anxious and depressed.

304. The Greendahl family left the island for the holidays, and their health improved. Larissa learned of the water issue on Hickam, but believed their neighborhood was not affected. When the family returned, their symptoms returned. In February, Larissa was diagnosed with seborrheic dermatitis. She received emergency room care for heavy bleeding and endometrial pain. Later, an allergist confirmed Larissa had an over-functioning immune system. In April 2022, Larissa began experiencing brain fog and memory loss. E.G.'s ears started bleeding and she was diagnosed with ruptured eardrums.

305. In early May 2022, Larissa went to the ER. Lab work revealed issues with her kidney, liver, and thyroid levels. The following day Larissa received a follow-up call informing her that she had tested positive for E. coli. After a discussion with her children's doctor, he recommended the family evacuate their home and provided a letter stating, "symptoms that include extreme fatigue, rashes, wheezing, cough, and poor sleeping... are consistent with water poisoning."

306. In late April 2022, Larissa discovered sheen on their home's water,

but the Greendahl family was never notified that their water could be affected by the contamination. On May 6, 2022, the Navy arrived to take samples of their home's water, but Larissa never received the test results.

307. The Greendahl family applied for an Emergency Return of Dependents (ERD)—and Larissa and her children relocated to Texas. The impact of this exposure has been significant to their family's health and financial condition. Even now, as they struggle to recover physically, the psychological impact remains as Larissa fears for the future health of her family.

uu. The Hampton Family

308. In the fall of 2020, Brittany Hampton and her four children, Sh.H., Su.H., Sl.H., and Sa.H., moved into the Officer Field military community. Brittany was excited to enjoy the island with her family. Brittny learned of the Navy's fuel spill on local social media pages in late November 2021—and received a letter from the Navy saying the water was safe.

309. In late November, Brittany noticed her eye began constantly twitching. She saw her primary doctor in December, and an ophthalmologist the following month. With usual causes ruled out, her eye issue baffled doctors. In December, Brittany experienced four ventricular tachycardia episodes, something that had only happened once in the previous three years. Su.H. struggled with skin issues, gastrointestinal issues, and painful headaches. Brittany inquired about

toxicology labs for her family and was horrified to find out their doctor had been told by the Department of Health not to conduct them. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

310. From December 2021 through March 2022, the Hampton family was displaced and lived in a hotel. Brittany recalled a noticeable sheen on her water in January, and continued even after the home was flushed in mid-January.

311. Brittany and her children relocated to North Carolina in the summer of 2022. The water crisis created lasting fear regarding the family's future health. The children now question the safety of the water they use. Brittany stated, "It is sickening to think that these [affected] families may have shortened lives because of negligence and complete disregard for what should be a natural right... safety and health from our housing community."

vv. The Hernandez Family

312. Megan Hernandez, and her minor children, K.H., M.H., and C.H, along with her active-duty husband, moved into their Ford Island home on JBPHH

in August 2021. But in less than one year, her family would end up leaving the island with nothing but a suitcase.

313. After the November spill, Megan had extreme fatigue, headaches, brain fog, and hair loss. Over the next months, all her children complained of stomach issues and fatigue. K.H began to regress developmentally, and every family member experienced worsening rashes and persistent upper respiratory issues. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

314. The Navy and housing community office told the family repeatedly that Ford Island was not an affected area. In December, the family was finally given a hotel room. In January 2022, the family's home was flushed, and Megan learned that the sinks were leaking due to nonuse, causing extensive mold growth. Megan had no choice but to move her family to an Airbnb to protect her family from further exposure. When it was clear her family would not receive proper care or housing, the family decided they had to leave. Because of repeated contamination, they were advised to dispose of the contents of their home.

315. The Navy's water contamination has left the Hernandez family physically, emotionally, and financially drained. They do their best to stay strong but have no idea what the future will hold. Currently, Megan and her children live in an RV in Texas. She and her husband have been forced to endure a long-distance marriage as he awaits the outcome of his separation request from the Navy.

ww. The Hunkins Family

316. In June 2021, Federal Employee and United States Marine Corps Reservist Shawn Hunkins, his wife Andrea, and their children Natalia Rodriguez, A.H., E.H., and C.H. moved into the Hale Na Koa military community. But after moving into their home, the family began experiencing multiple ailments.

317. In those first months, both Shawn and Andrea experienced extreme fatigue and weakness. Their children battled constant headaches and stomach pains, and their pets struggled with skin issues. Their oldest daughter, Natalia, worried about her skin's reaction to showering in the home and struggled with constant fatigue and headaches. A.H. struggled with eye irritation, and C.H. suddenly experienced milestone regression. Later, C.H. began having multiple episodes of urinary incontinence daily, an issue that continues. In September, Shawn experienced periumbilical pain flare ups, nausea, and diarrhea.

318. The November spill made everything worse. Prior to Thanksgiving,

Andrea noticed a strange chemical smell outside her home. She spoke with a neighbor, who told her the Navy's water hotline had confirmed their neighborhood was affected by the contamination. On December 1, the family ceased consuming the home's water, but Andrea noticed a sheen on the water and a strange residue on her dishware. The family reported to Halsey Terrace Community Center to have their symptoms documented by Navy medical personnel. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

319. The Hunkins were displaced to a hotel from December 7 through March 16, 2022. During that time, Shawn attended multiple doctors about his intestinal pain. He underwent blood tests, CT scan, ultrasound, and endoscopy, and finally diagnosed with esophagitis. On January 2 when the family tested positive for COVID-19, they were forced to return to their contaminated home. Their home was flushed on January 15, 2022.

320. In May 2022, Shawn and Andrea learned they were expecting another child. The same month, C.H.'s pediatrician told his parents that C.H. might have

suffered neurological issues “possibly caused from the ingestion of petroleum-based products.” Also in May, Andrea and Shawn were informed that E.H. needed a brain scan to diagnose worsening symptoms of depression. The couple fear that their daughter’s depression may have been exacerbated by both her hydrocarbon exposure and the trauma of the water crisis itself.

321. Shawn and Andrea are haunted by fears of what their exposure to the contaminated water could mean for their own fertility, and that of their daughters in the future. Shawn stated, “God forbid something happens; how will [our children] get help? Who is going to take responsibility? We just want to know that our children will be okay, and that they will not need to worry about receiving future medical care or deal with expenses.” With years of dedicated service to the United States, the entire experience has felt like a slap in the face to the family.

xx. The Ingram Family

322. Emily and Kai Ingram, and their children, M.S.I., and M.J.I, were excited to move to their new military home in Radford Terrace on JBPHH. But through the summer and fall of 2021, Emily and her children began having severe stomach issues. Emily suffered from diarrhea and vomiting. M.J.I. would point to her stomach and complain that it hurt. Doctors ran several tests, but were stumped at what could be causing their symptoms, which sent Emily to the ER twice. After experiencing numbness in her face and left arm, and vomiting, doctors ordered a

brain scan and nerve test. She was referred to physical therapy and was seen by a gastroenterologist, who ordered an endoscopy and colonoscopy. No diagnosis was made, but she was placed on a restrictive diet.

323. After learning about the jet fuel spill, the Ingrams became scared. As their symptoms worsened, Emily was rushed to the ER several times for chest pain, heart palpitations, and other issues. Unable to care for her children or do daily tasks, the Ingram's own parents flew in to help. But the doctors could not pinpoint the cause of the change in Emily's health, even though she has seen many specialists.

324. Emily still suffers from fatigue and remains on a restrictive diet, and still has episodes of chest pain. She cannot exercise without pain, and the symptoms affect the way she is able to parent. M.S.I. struggles in school and his behavior has regressed, and he has difficulty concentrating. Both he and M.J.I complain about stomach pain.

325. With no option to leave Hawai'i, the Ingrams have moved forty-five minutes from Kai's work and Emily is concerned about the long-term health effects on the family.

yy. The Jursinic Family

326. In April 2019, military spouse Jennifer Jursinic and her daughter, M.J., moved into the Aliamanu Military Reservation neighborhood. But in the

summer of 2021, Jennifer's neurological condition, trigeminal neuralgia, flared and she experienced increased seizures and migraines.

327. In November, the jet fuel spill made the family's tenuous health situation only worse. The home's tap water had an oily sheen and smelled like fuel. The family stopped drinking the water that day, but the military never alerted them about the contamination. The family's dog stopped eating and had bouts of intestinal distress. The family was displaced to a hotel on December 3, creating stress for the family. M.J., who is autistic, struggled with the change to her routine, and she began suffering from severe vomiting and diarrhea.

328. Jennifer had multiple ailments, along with increasing seizure-like episodes. Jennifer and M.J. went to the Naval Clinic, where both had blood work done that revealed elevated liver enzymes. Jennifer began suffering from hair loss, difficulty swallowing, and seizures that left her unable to speak and caused vision problems. She received nerve blocks under her rib due to inflammation. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

329. The crisis strained the family and Jennifer’s relationship with her husband. She worries about the long-term health effects from the exposure and struggles with anxiety. She said, “I have not felt normal since living in Aliamanu.”

zz. Lisa Keeney

330. Lisa Keeney moved into the Kapilina Beach Homes community in the summer of 2021. Within weeks, Lisa began suffering from neuropathic pain flares and other symptoms. Since recovering from two prior car accidents, Lisa had fleeting neuropathic pain.

331. After the November 2021 fuel spill, Lisa’s symptoms intensified, and she experienced persistent intestinal issues and anxiety. Lisa recalled the home’s water felt oily and had a faint but noticeable scent of fuel—while the smell in her neighborhood was so overwhelming it caused her to vomit.

332. On December 2, Lisa learned of the Navy’s fuel spill from a neighbor, but Lisa’s housing managers maintained the neighborhood water was safe. Lisa was forced to remain in her home because she was unable to relocate due to financial limitations, but guaranteeing her family had access to safe water became an overwhelming responsibility. Lisa visited the mainland in late December and felt better, but within a week of returning, her symptoms returned. In February, Lisa’s home was flushed, but she did not notice a difference in her water or symptoms. In March, Lisa received results from a toxicology screening that

revealed elevated levels of perchlorate and 2-Hydroxyisobutyric Acid. “What happens if we get sick later [in life] and can no longer work... will the children exposed be taken care of?”

aaa. The Klinehoffer Family

333. Robert and Sandra Klinehoffer moved to Pearl City, a military housing community, in 2017. The couple spent their days enjoying Hawai‘i, while Robert worked for INDOPACOM and COMPACFLT.

334. In 2021, the Klinehoffers noticed unusual fatigue, abdominal issues, and nausea. In November, their health only deteriorated, as they experienced dizziness, headaches, and rashes. And by December, their vertigo-like symptoms and headaches had increased, and Robert began having numbness and shooting nerve pain in his fingers and toes.

335. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

336. After discovering the water was contaminated, Robert learned that

only active-duty service members were being offered hotels. Their home was flushed on December 29, though the military did not follow the prescribed guidelines. The Klinehoffer's toxicology testing results were positive for several chemicals and pesticides. They continue to experience many symptoms and are concerned about what the long-term health effects might be.

337. Robert and Sandra left the island in June 2022, paying for the move themselves. They sold many items to minimize shipping costs and discarded porous items due to contamination. Sadly, Robert stated, "We are changing our retirement plans completely. It's not just a disruption, it's caused major agitation because of this event and the Navy's unwillingness to acknowledge what they've done."

bbb. The Kruer Family

338. Elizabeth Kruer, her then active-duty husband, and their minor children, M.K., L.K., and G.K., moved into the Kapilina Beach Homes community in September 2021.

339. In 2021 and after the November spill, the family's health went downhill. Elizabeth, an advanced yoga practitioner, found herself unable to complete yoga routines due to exhaustion, body pain, migraines, and cognitive impairment. Her six-year-old son, G.K., suffered from a persistent rash that became "pustule and sore-like," an issue that worsened until they left the island,

and his condition improved. Other family members experienced symptoms of fevers, lethargy, and nosebleeds. In December 2021, M.K. experienced a choking episode after drinking the water the family had been told was safe. At a local ER, M.K. was diagnosed with “possible hydrocarbon exposure.”

340. That same month, the family evacuated their home and remained displaced until December 17. When they returned, the Kruers decided they could no longer risk their health and terminated their Kapilina lease before Christmas 2021. As a result, the family experienced an extreme financial impact.

341. Despite leaving the home, and eventually the island, the family continued to suffer from various issues. In May 2022, Elizabeth was diagnosed with degenerative disc disease and pelvic congestion syndrome. The psychological toll and uncertainty about the long-term implications of their exposure has since caused Elizabeth to fear for her family’s physical and mental well-being.

ccc. The Lamb Family

342. Payton Lamb and her minor child, K.L., along with her active-duty husband, were thriving when they moved into their home in Radford Terrace military housing community on JBPHH in August 2021. But in November, K.L. began to battle congestion, difficulty breathing, and fevers, along with a loss of appetite. Payton knew something was wrong and took him to the ER. After an X-ray, Payton brought up the possibility of toxic exposure, but her concerns were

dismissed. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water. But a few days later, she received a call from a specialist regarding the X-Ray. K.L. had a right lobe infection in his lungs and his recovery took weeks.

343. In December 2021, the Lamb family moved to a hotel. They returned to their home in early February 2023, after their neighborhood was cleared. In early March, Payton ordered toxicology screenings and was troubled by the elevated levels of multiple toxins, despite their avoidance of the home's water since November.

344. Payton is currently pregnant, and her anxiety and fears for her children overwhelm her. She's uncomfortable with the safety of her home's water. With a Permanent Change of Duty Station scheduled tentatively in the future, Payton looks forward to leaving the island she once loved. She remains proud of her husband and the people who make up the Navy but feels frustrated and disappointed with how things were handled regarding the water contamination.

ddd. The Lattimer Family

345. Scott and Christine Lattimer, a dedicated federal employee and veteran couple, lived in the Officer Field military community in 2021. Christine, once an active and healthy individual, gradually experienced a “constellation” of unusual physical and mental health problems. In the spring and summer, Christine’s issues intensified, and she was diagnosed with Postural Orthostatic Tachycardia Syndrome (POTS), and Orthostatic Hypotension.

346. After the spill, the symptoms only intensified. The couple’s home became a source of discomfort, as they felt worse whenever they spent time indoors. To limit their exposure they resorted to permanently camping out on their back porch and using a tent as their bedroom and primary living space.

347. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

348. Their marriage suffered under the weight of Christine’s deteriorating health and the constant upheaval caused by their living situation. Even temporary escapes from the island brought relief from their symptoms, highlighting the extent

of their toxic exposure. In November, one of their cats was treated for a corneal ulcer that a veterinarian stated was caused by an environmental allergy.

349. In January 2022, Scott made the difficult decision to prepare for premature retirement. Before their experience on Oahu, Scott had planned to retire several years in the future. As health-related fears continued to mount, the couple felt the water crisis cost them more than just their health, but also future income and trust in their military medical community.

eee. The Luecking Family

350. In July of 2020, Navy veteran Jacquelyn Luecking, her active-duty husband, and their son, O.L., moved into their Moanalua Terrace home. The family was excited when baby R.L joined the family.

351. In November, Jacquelyn discovered the water in her home had a sheen and smelled of gasoline. Jacquelyn called the maintenance line for her housing community, and switched her family to bottled water. No one alerted the family of their water's contamination.

352. Jacquelyn experienced frequent headaches, nausea, and her skin became inflamed. O.L. struggled with similar symptoms and intense coughing. R.L. became very hoarse. On December 4, the Luecking family was displaced to a hotel, leaving their family pets behind. After six days, the family returned to their home because Jacqueline's oldest son had struggled with the new environment and

the family dynamic became strained. After returning to their home, Jacquelyn and her children struggled with additional symptoms. In mid-December, Jacquelyn flushed the home herself, and her symptoms worsened. Jacquelyn was unable to bathe her children or cook for her family. Because Jacquelyn felt she could not continue to risk her children's health, she and her children moved off the island on December 19, paying for the move themselves. The emotional cost of their separation is high. "Our entire life has been changed by this," she said.

353. Upon arriving on the mainland, acute symptoms improved, but Jacqueline soon began to deal with tingling and numbness in her extremities, often leaving her unable to stand. Even more disturbing, R.L.'s baby teeth were rotting, with enamel constantly chipping away. When Jacqueline told the dentist about the fuel spill, the dentist told her R.L.'s dental problems were the result of the contamination. His baby teeth need to be removed and the surgery creates heavy anxiety for his mom. "I have no idea how he will eat or drink during recovery, he's just a baby. I'm scared we will need to place a feeding tube, but we have no choice," she said. The dental bills are not fully covered by insurance, causing undue financial stress.

354. It is the future health of her family that concerns her the most. "We still have some time left with the military, and now I'm scared about what will happen. I'm scared that we will experience more than what has already happened

to us,” she said.

fff. The Makau Family

355. In August of 2019, Hawai‘i natives Cheryl Makua, and her daughters Kekainoaikalai “Kainoa” Makua and Kiara Makua moved into the Kapilina Beach Homes community. Before the summer of 2021, the Makua family enjoyed their home. During the pandemic, Kainoa, who has bipolar 1 and 2, started a thriving food vendor business.

356. After May of 2021, Cheryl struggled with new health concerns that resulted in inconclusive medical testing during two ER visits. Kainoa felt “run down” with symptoms of frequent headaches, stomach issues, and heightened irritability. Kiara recalled fatigue so severe that ten hours of sleep was not enough to feel rested.

357. In August, as a result of her health issues, Kainoa permanently paused business operations, losing its income. In December, Kainoa’s “situation and mind spiraled out of control,” and she was admitted to a behavioral unit for twenty days in a Seattle-based hospital. The loss of her business, and the role the water played in her mental health, has profoundly impacted her.

358. With lasting difficulties, the family struggles with whether or not to stay on their home island. “They should have let us know [about the spill] as soon as possible. This is our health we are talking about,” Cheryl stated. Kainoa added,

“Water is indeed life, but when it’s poisoned with jet fuel, it is death.”

ggg. The Marshall Family

359. Kathleen Marshall, and her children, J.M., G.M., R.M, D.M., and E.M., moved into their military home in Officer Field in 2021. Shortly after moving into their home, the children began to show behavior regression and anger issues, and each had multiple cavities for the first time in their lives. Kathleen began to experience skin rashes, vertigo, and eye irritation, while the children were sent home from school for stomach pain and sore throats on multiple occasions. The Marshalls wondered what was causing the change in their health—and were horrified and angry when they learned about the jet fuel spill.

360. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

361. After the November spill, Kathleen was diagnosed with anxiety and depression, and prescribed medication. The Marshalls continued to see changes in their children and feared the long-term effects of the exposure. E.H. was diagnosed

with oppositional defiant disorder and is now seeing a therapist. G.M. has become reactionary and angry. J.M. has bouts of depression and anger. R.M. and D.M. have been more emotional. D.M. is crippled with daily anxiety and his parents often have to coax him to attend school. When Kathleen's military husband travels for work, D.M. worries that his father will die.

362. Kathleen is fearful for her family's future and health. And the family is left wondering if they will ever find the sense of normality they enjoyed prior to the fuel spill, and if they will be able to regain their trust in the military.

hhh. The McClain Family

363. Military spouse Kristin McClain moved into her Moanalua Terrace military home in late 2017. And after the birth of her daughter, K.M., in 2018, she was excited for island life as a family of three.

364. In the summer of 2021, Kristin began having migraines, extreme nausea, and fatigue, and her menstrual cycle became irregular with increased cramping and heavy bleeding. In July, Kristin went to the ER and her primary care doctor for her issues, but nothing was resolved.

365. In late November, things only got worse. K.M. had a persistent red rash on her genitals—the area typically submerged during her baths. The family pets stopped drinking their water, and their cat had sores around his mouth and chin. On November 29, Kristin learned of the Navy's fuel spill from the JBPHH

social media page, and she noticed that her home's water smelled like fuel and had an oily film on top.

366. The McClains were not offered a hotel right away, and their finances were strained as they transitioned to bottled water and paper products. In December, Kristen returned to the ER three times, as her migraines and nausea worsened. Tripler doctors told her these symptoms were worsening because she was in her thirties and "that just happens." No one in the family was treated properly. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

367. The family made the difficult decision to separate. Kristin and K.M. left the island in mid-January and headed to California. The financial impact increased with the cost of plane tickets and animal transportation. Kristin's husband found a tumor on his back that needed to be surgically removed. This ultimately led to his medical discharge, which added pressure on the family.

368. Kristin and K.M. returned to their home in Hawai'i in February, after their home was flushed three times. Within 2 weeks, Kristin's skin issues, daily

headaches, and fatigue returned. She and her daughter returned to California permanently to wait for her husband's medical retirement in May.

369. During the chaos, Kristin struggled to get through the last two months of her bachelor's degree program, and still deals with anxiety, depression, fatigue, and headaches. She's concerned about the long-term effects on the family—especially K.M. “I'm so frustrated at the lengths the military has gone to lie to their own members and innocent families. I am even more frustrated that I had to leave my husband behind to keep myself and my daughter out of such a toxic environment.”

iii. The McCoy Family

370. In July 2020, Samantha McCoy, her active-duty husband, and their three minor children C.M., T.M., and D.M., moved into their AMR home. As a family with special needs, relocating to Hawai'i required careful planning. After the spills, they experienced a range of health issues, including a myriad of symptoms that affected their physical and mental well-being.

371. Displaced from December 2, 2021, until mid-March 2022, the McCoy's endured briefly living in a hotel that also had contaminated water. The situation took a toll on the family, particularly their autistic son T.M., who struggled with the change in routine and environment.

372. And Samantha's health took a dramatic turn. With severe migraines,

seizure-like activity, and neurological symptoms, Samantha was no longer able to drive or perform basic tasks. Though she saw medical providers more than twenty times, underwent extensive blood work, and medical testing, doctors were unable to provide answers. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water. “I am not even close to who I was [before the contamination]... I am a shell of a person,” Samantha said.

373. In search of safer living conditions, the McCoys moved out of their military neighborhood, paying for it themselves, in August 2022. The move took a toll on their finances and forced the family to “learn how to eat less.” After fourteen years of service as a military family, Samantha is filled with regret, as she believes her choice to live in military housing potentially caused lasting harm to her children. “I am terrified of what is to come. The future is scary now,” she said.

jjj. The McNamee Family

374. Tyler McNamee, his active-duty wife, and their minor children, A.M., E.M., S.M., and J.M., moved into the AMR community in June 2021. As a stay-at-

home dad, Tyler dedicated himself to caring for and homeschooling their four energetic girls, and raising them in a strong faith-based home.

375. In early December 2021 after the November spill, the family's health declined. The children experienced skin irritation, genital inflammation, and urinary infections that required medical help. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

376. The family was displaced from their home from December 3, 2021 until March 12, 2022, changing hotels four times. As they struggled to find suitable accommodations for their large family, they faced disruptions in their faith community, exercise routines, and hobbies.

377. The family intentionally waited to receive notification that their water was safe before trying to conceive another child, and in May 2022, the family was overjoyed to discover they were expecting. Unfortunately, Tyler and his wife miscarried their unborn child, Ollie. On top of their immense grief, Tyler's wife

experienced significant health concerns as a result of the miscarriage.

378. The family no longer trusts their water and Tyler is disturbed by the uncertainty of his family's future. "We are left to wonder and fear what the future could hold, especially for the health and well-being of our children ... I have to live now with the constant worry for the future of my wife, my beautiful children, and myself," Tyler said.

kkk. The Menendez Family

379. Verna Menendez, and her children, M.M., A.M., and K.M., along with her active-duty husband, were excited to move into their new home in AMR military housing community on JBPHH in June 2021.

380. Health issues in the family flared over Thanksgiving and they wondered if something in the environment was to blame. When K.M. developed a high fever, rash, and congestion, she was taken to Tripler Medical Center. The doctors treated her with Tylenol but would not test for toxins, nor perform a full lab workup. The family celebrated M.M.'s birthday by moving into a hotel on December 3. They reported their symptoms at the white tent event in their neighborhood but were told to try anti-diarrhea medicine and Tylenol. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and

treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water. Verna tried to schedule medical appointments for her and the children but there were no available appointments. “I felt defeated by the fact that they weren’t going to do anything.”

381. Verna still struggles with anxiety, depression, and painful acne flare-ups. The children struggle with dry skin and stomach problems, and K.M. has experienced behavioral issues. None of the children feel secure about the water in their home, but the Menendez’s are unable to leave the island due to her husband’s job. This has impacted the family financially—they are sick, and they are stuck.

III. The Merancio Family

382. In December 2020, military spouse Bridget Merancio, and her children Q.M., N.M., and J.M., moved into the Aliamanu Military Reservation military neighborhood. They were looking forward to enjoying their new paradise.

383. In summer 2021, the family began experiencing a myriad of health issues. N.M. was seen by his doctor for severe pain in his feet and legs. In August, the family struggled with respiratory issues and went to Tripler’s COVID-19 testing site where they all tested negative for both COVID-19 and streptococcus. During this time, Q.M.’s managed epilepsy dramatically worsened, her seizures increased, and she quickly regressed. In November, Q.M. was seen by her

neurologist at Tripler. And Bridget was told that, despite past advanced school performance levels, Q.M. was now testing two grades below her current grade level.

384. The November spill only exacerbate these health problems. J.M. and Bridget struggled with respiratory problems. On Thanksgiving, Bridget became ill while cooking the family's holiday meal. A few days later, the home smelled "like an auto body shop" and the water had a sheen, and the family stopped consuming the water. J.M. complained of painful genitals. "The skin on his penis was coming off in layers ... It looked like a chemical burn," his mother said. J.M. was seen by his pediatrician, but the doctor had no answers for the cause of the irritation. In early December, Bridget and J.M. went to the Tripler medical tent at Aliamanu Military Reservation Community Center to report their multiple symptoms. While there, Bridget experienced elevated heart rate and blood pressure, and was treated with intravenous fluids. Treatment for the exposure was lacking. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

385. The Merancio family was displaced to hotel in early December. During their displacement Q.M.'s health drastically changed, as she endured frequent seizures, reaching the maximum recommended dosage on two seizure medications. She battled fatigue, memory loss, and muscle weakness with loss of feeling in her legs. Her speech declined and she lost hearing in her left ear. Her hearing loss was confirmed at Tripler.

386. The Merancio home was flushed and tested in February 2022. The family received support from Bridget's husband's command to move back to the mainland, and in March 2022, they moved off island, after his request for Compassionate Reassignment was approved. Health concerns and psychological impact continued after the family left Hawai'i. N.M. experienced severe anxiety that resulted in an ER visit after he became unable to eat, drink, or get out of bed. Q.M. experienced spine and chest pain. In early May, an ER visit for Q.M. resulted in the discovery of slow PR intervals. And an electroencephalogram performed in June by a neurologist resulted in the discovery of bilateral FIRDA (slowing of brain function).

387. The family was forced to make difficult choices to give Q.M. quality and stable care. This included the family separating until Bridget's husband's retirement was approved. Bridget lives in constant fear for the future for her children. "We have a long road ahead of us and are terrified of the future, and

constantly live in a state of fear, wondering what will happen. We have spent fifteen years in service in the military, and this is what we ended up with.”

mmm. The Moellenberndt Family

388. In January of 2021, Peter and Laura Moellenberndt arrived in Hawai‘i, and moved into the Hale Na Koa military community. The couple was excited to be closer to the mainland and their three adult children.

389. After May, Laura’s health deteriorated as her health conditions became amplified. Abdominal pain, headaches, fatigue, body aches, and a constant sore throat plagued her. Desperate for answers, she sought medical treatment. And throughout the summer and fall, her life was consumed by specialist appointments on the mainland. In October, Laura was able to have her beloved Emotional Support Animal (dog), Buddy, come back to the island with her.

390. The contamination from the November spill led to an escalation in health issues. When Laura discovered signs of contamination in her home’s water, she stopped all water use, and relied on government-provided water, but that also made her sick. In early December, Laura tried to receive medical help at the Personnel Support Detachment Building, however she was told her symptoms would simply be recorded. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an

understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water. Laura's health issues continued to escalate, with rashes, burning sensations, fatigue, and hair loss becoming part of her daily struggle. Buddy also fell ill, adding to her distress.

391. In late January 2021, Laura was displaced to a hotel, where she remained until March 15, 2022. For Laura, regular trips from Hawai'i to Washington became a necessity to receive unbiased care from trusted providers. The toll the experience has taken on her physical and emotional well-being has been immense.

nnn. The Ongaro Family

392. Serena Ongaro, her children, N.O. and M.O., and her active-duty husband, moved into their Ford Island home in June 2021. After the November spill, Serena was seen at the emergency medical planning office for multiple symptoms. In mid-December, N.O. complained of daily headaches, and M.O. began having nightly abdominal pain.

393. In late January 2022, M.O. was taken to the hospital and later seen by her pediatrician for intestinal distress. She was referred to a GI specialist as her symptoms lingered, and her appetite decreased. In early February, the family

moved into a hotel, where they remained for approximately one month. On February 8, Serena left her job as a registered nurse due to the severity of her ongoing issues. Later, she was referred to a GI clinic for a colonoscopy.

394. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

395. Serena paid for the toxicology labs and was furious to learn that M.O. had several elevated results. In August 2022, in search of safety, the Ongaro family left the island and Serena's husband behind, and moved to Italy while they wait to receive new orders from the Navy. Serena worries about what the long-term effects of their exposure could mean cancer or neurological deficits.

ooo. The Peoples Family

396. Carina Peoples, and her husband, along with their two children, M.P. and C.P., moved into the Landing Neighborhood on Ford Island in June 2017. In May 2021, Carina obtained a license to operate an in-home childcare business through the base Child Development Center, a goal she worked hard to

accomplish.

397. After the November spill, Carina and M.P. became violently ill with acute symptoms of exposure. After reading a letter from Captain Spitzer, the Peoples trusted the Navy and continued to use the water. In early December, Carina had chemical burns and M.P. developed painful skin rashes. On one occasion, C.P. curled up in a fetal position on the kitchen floor with extreme abdominal pain. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

398. Carina called the Navy's EOC to report her family's symptoms. After being told the Navy did not plan to test her neighborhood's water, she alerted the Director of the Child Development Center who later called back and told Carina to cease all use of the water in her home for the safety of the children in her care. In January 2022, bloodwork for Carina and her children contained outliers, with some levels far outside normal ranges. In February, Carina experienced new concerns of

swelling, painful sensations in her feet, headaches, and difficulty walking after waking.

399. In June 2022, the Peoples relocated from Ford Island. The move was very expensive and caused significant loss of income. Relocating forced Carina to undergo another months-long licensing process with the state of Hawai‘i, resulting in the cancellation of her summer camp program. The family is concerned about the long-term effects of their exposure, and the lack of comprehensive and appropriate medical testing and care.

ppp. Shane Perez

400. Shane Perez moved to Kapilina Beach Homes in 2018. He had been attending college in Arizona and was glad to get away from the stressors in Arizona and move to an island paradise.

401. After the November 2021 fuel spill, his life was derailed. During the first week of December, his skin became unusually irritated. He tried to soothe his skin, but the condition persisted, along with indigestion that worsened as the month progressed.

402. After realizing that his water had been contaminated, Shane developed severe anxiety and still worries about what the exposure could mean for his health in the future.

qqq. The Rader Family

403. Ariel Rader and her minor children, A.R., E.R., and H.R., along with her active-duty husband, lived in Aliamanu Military Reservation home. Ariel, who lived in Hawai'i as a child, was familiar with island life and excited to offer the same life to her children.

404. After the November 2021 fuel spill, the family began experiencing unusual symptoms. A.R. had severe diarrhea that left her with burns on her buttocks. H.R. and E.R. developed upper respiratory problems, and Ariel suffered from fatigue, sluggishness, and chills. On November 28, Ariel noticed numerous posts on local social media pages from neighbors discussing unusual odors and sheen on their tap water. The next day, she recognized the unmistakable smell of fuel in her own home's water.

405. In early December, the Rader family left their home to seek refuge in the first of three hotels where they would live for the next several months. The Rader family's symptoms began to improve within 24 hours of leaving their home and the contaminated water. At a military treatment facility, when Ariel alerted a pediatrician to their exposure, A.R. was only given Zyrtec and a physical exam. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a

timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

406. By late February, Ariel began to struggle with depression and felt emotionally drained. These months took a toll on Ariel and her children. She will always worry about the future for her daughter's and their health.

rrr. The Reiling Family

407. Military spouse Stefanie Reiling moved to her military home in Radford Terrace in January 2020. Stephanie was excited to enjoy life on the island and, in July 2021, thrilled to learn she was expecting twins. But the joy of her pregnancy was quickly ruined by the military's water contamination.

408. Stefanie began experiencing nausea, spotting, and fatigue. She saw her doctor to confirm her pregnancy and learned she had a small hemorrhage that could harm her unborn twins. After several weeks of monitoring at Tripler, the obstetrician could not find one baby's heartbeat and informed Stephanie that the baby was gone. The news devastated Stefanie—and the doctors now needed to watch the other twin closely.

409. In late November, Stefanie became ill with a fever, headache, and stomach pains. After learning about the jet fuel spill, Stefanie was terrified for the health of her unborn child. She went to urgent care and was diagnosed with acute non-intractable headache, abdominal pain, and gasoline poisoning. But the military

doctors told her no additional tests would be provided. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water. Stefanie followed up with her military obstetrician, received an anatomy scan, and was told the baby's heart rate was normal and no further testing was needed.

410. At this point, Stefanie switched to Tricare Select and sought non-military doctors. In January 2022, Stefanie's civilian obstetrician ordered another anatomy scan and discovered a potential heart defect, something Tripler doctors never mentioned. She was referred to a pediatric cardiologist for an echocardiogram of her baby's heart, and the doctor confirmed the baby had a heart defect—persistent left superior vena cava. Stefanie was told she might have to deliver her baby on the mainland due to the severity of the heart condition. There was a chance the baby would need immediate heart surgery after birth and her doctors were not equipped to perform the procedure on the island. The next several months were filled with stress and sleepless nights worrying about their unborn child, along with the stress caused by the water contamination.

411. The Reiling's daughter, A.R., was born on April 13, 2022. They have been told the baby will need medical monitoring for the rest of her life and that she could develop a more serious condition as she grows older—and she will always have the heart condition. Stefanie has additional concerns about leukemia and cancer because she grew up close to Camp LeJeune. And the family received another blow when their dog was diagnosed with lymphoma cancer. Stephanie fears for the unknown future of herself, her daughter, and her entire family.

sss. The Roberts Family

412. Christine Roberts and her children, A.C., and E.C., have lived in their home in the Radford Terrace Military Community for three years. Christine was shocked to learn of the jet fuel spill. She and her family have suffered from abdominal issues, brain fog, cold and sinus infections, scaly skin, and eye irritation. Their family dynamic shifted due to the contamination and her children experienced mood changes.

413. When Christine took her children for their yearly wellness checks at Tripler, she asked for toxicology screening. She was told screening for jet fuel does not exist, and if she was concerned about her family's exposure she should move. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment

and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water. Christine was treated at a local urgent care for her menstrual issues, along with intestinal problems, and headaches.

414. It is the fear of the unknown that Christine cannot manage to overcome. Fear of future illnesses and anxiety constantly plague her. Her family no longer trusts the safety of any water they consume, and she sees no end in sight. She has spent hundreds of dollars installing water and air filters in her home, in an attempt to help ease her family's anxiety.

ttt.The Sagucio Family

415. Alfredo, a proud veteran, and Doris Sagucio moved into their Kapilina Beach Home in June 2021. They babysat their minor granddaughter, V.R., several days a week, bathing her and giving her tap water in their home. It was not until January 2022 that the couple learned their home was on the Navy's water line.

416. Alfredo's doctors prescribed several medications in early December for bloating and were baffled when nothing worked. When the doctors found blood in his stool, their concern grew. The couple's young granddaughter experienced dry skin and rashes after bathing at her grandparents' home, while Doris suffered from overall discomfort and abdominal pain. Alfredo told his doctors about the jet

fuel, but they were unsure about treatment, and he was not offered further testing. The couple was never offered the option to evacuate their home.

417. Though his symptoms continue, Alfredo's biggest concern is for his granddaughter. After learning of their exposure, the couple is left wondering if they will be able to see their grandchildren grow up, or if their granddaughter will be affected in the future. "I'm worried about the long-term effects. What's going to happen to us in 10 years? It's the unknown that's scary ... I'm worried [my granddaughter] will end up getting ill. I wonder, was [I] poisoning my own granddaughter? Did I do that?"

uuu. The Schaefer Family

418. Cheyenne Schaefer, and her children, C.E., R.S., and S.S., were excited to move to Hawai'i in 2020. Their military home in AMR on JBPHH was a safe community where her children could play.

419. In 2021, Cheyenne noticed an onset of unexplained illnesses and behavior changes. The youngest two children had rashes on the lower trunk of their bodies and private areas typically submerged in bath water. C.E. became irritable and moody and was eventually diagnosed with ADHD. S.S. had blood in his stool and missed his milestone markers. But the military doctors brushed Cheyenne's concerns aside. Cheyenne experienced headaches, skin issues, nausea, and an itching feeling in her nose and mouth. She also had changes in her menstrual cycle

with heavy bleeding. Her military doctors could not provide answers for the sudden change. Frustrated Cheyenne searched for the cause that was making the family sick.

420. After learning about the jet fuel spill, Cheyenne was angry that no doctors had taken her family's symptoms seriously. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water. With no other alternative, Cheyenne and the children moved off the island. Her husband was left to prepare for a military deployment, struggling to focus on his job, as he worried about his family. They paid out of pocket for the move—a huge financial burden.

421. Cheyenne still experiences skin issues and acne flare ups, and she struggles with the stress of it all. The children have made progress with their health, though C.E. was diagnosed with ADHD. Their symptoms improved after leaving Hawai'i, but Cheyenne worries about what will happen in the future.

vvv. The Scott Family

422. Stacey and her active-duty husband moved to their home in AMR on

JBPHH with their children, S.S., E.S., and B.S., in 2018. Their home was supposed to provide safety and easy access to her husband's work. But in 2021, the family began noticing a fuel smell in and around their home. Then Stacey's vision got so blurry she struggled to read the stove clock. She had increased gastrointestinal issues and hair loss, and the children began complaining of headaches and abdominal issues. As their symptoms worsened through November, the family became concerned.

423. In mid and late November, after smelling fumes in their neighborhood, the Scotts tried to alert the authorities by calling 911 and the Department of Health. When they learned about the jet fuel spill, they were furious that their reporting went undocumented, and no one returned their calls. On December 3, the DOH came to their home and took water samples—but the Scotts were never given the test results. And though their water had a copper smell, no metal testing was done.

424. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to

ensure health after a known exposure to fuel-contaminated water.

425. The family moved into a hotel in early December. Stacey went to her primary doctor in December for stomach issues. Her lab results were flagged and included low levels of ALP, which measures the alkaline phosphatase in blood. She was referred to the gastroenterologist and an endoscopy revealed a polyp. Stacey took B.S. to the doctor due to her hair loss. She was diagnosed with cradle cap, though her symptoms started after the November spill.

426. Due to the stress of the contamination, Stacey and her husband's relationship suffered. Emotionally it has been difficult for Stacey, especially after she saw how many people from Camp Lejeune died from their exposure to contaminated water. Stacey still has stomach pain, headaches, and dry eyes. And she feels guilty for exposing the children to the contamination and worries about the long-term effects.

www. The Seibert Family

427. Melissa Seibert, and her children, A.S., W.S., Bi.S., Es.S., M.S., H.S., Ev.S., Be.S., and V.S., moved to Hawai'i in June 2020. Their military house in AMR on JBPHH accommodated all nine children and the family was looking forward to the stability and safety of their new home. But in 2021, the Seiberts noticed a sheen on their tap water. The whole family felt off, experiencing a range of symptoms including headaches, light sensitivity, nausea, and skin issues. The

family increased their water intake to combat the symptoms, but nothing changed.

428. Thanksgiving, they noticed a petroleum-like taste in their water and A.S. and Ev.S. had sores in their mouths, H.S. began to have behavioral problems and mood swings. Melissa and several of the children had sores on their scalps, and everyone had stomach problems. After learning about the jet fuel spill, the family grew angry as they struggled to get clean water and find a hotel that would fit their family of eleven.

429. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

430. In January 2022, after just eleven days of celebrating a positive pregnancy test, Melissa began spotting. On January 18, her doctors confirmed that Melissa had suffered a miscarriage, but the doctors did not offer further testing. Home life was extremely disrupted for the Seibert's. Laundry became a daunting task, and expenses skyrocketed. Melissa struggled to homeschool the children as they moved from the hotel to home several times. The children became anxious

and stressed, and worried about the safety of their surroundings.

431. Melissa is fearful for her children's future. Currently, the family still has itchy skin, lingering headaches, and fatigue. The Seiberts left the island in June 2022, but they remain fearful about the lasting effects of their contamination.

xxx. The Shabazz Family

432. Alim Shabazz Sr. and his wife Cydney, along with their minor children, A.W.S, A.C.S, and A.E.S., have lived in Hawai'i for years, moving into the Kapilina Beach Homes community in September 2021.

433. In late November, the family began to feel unwell. Over the next months, the family experienced rashes, dry skin, intestinal issues, fatigue, brain fog, leg pain, dental problems, mood and behavior changes, and neurological issues.

434. After the water crisis, the Shabazz children became overly concerned about the safety of the water around them. The entire family has suffered considerable psychological impact. Alim and his wife harbor immense guilt regarding the future health of their children. Alim said, "We don't know when this [exposure] will spring into action, and as a parent, I wonder did a decision I made [cause] irreversible damage to my children?"

yyy. The Snoke Family

435. In 2017, Christine Snoke and her daughters, D.S. and T.S., moved into

their McGrew Point home. With her husband's upcoming military retirement, the family was hoping for the experience of a lifetime.

436. But by November 2021, D.S. struggled with extremely dry skin on her hands. And the family experienced nausea, diarrhea, vomiting, headaches, lethargy, and skin issues. The family pets were ill, and an unusual growth was found on the head of their family dog.

437. The family learned of the fuel spill in early December, when their water tasted "off," had an oily sheen, and smelled of chemicals. "We never got any type of warning from the military. I was not expecting [social media] to be where we would get that kind of information," Christina said. On December 10, the Snoke family went to the Makalapa Clinic and reported their symptoms.

Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

438. On January 26, 2022, the family was displaced to a self-procured hotel room that they used to access clean water. In early February, Christine experienced headaches, shortness of breath, dizziness, and felt a blockage in her

throat. Doctors at Makalapa Clinic’s Respiratory Care discovered a cyst-like bump between her uvula and left tonsil. A complete blood count test and a thyroid stimulating hormone test were ordered. In March, she underwent outpatient surgery at Tripler to remove and biopsy the cyst that “looked like a third tonsil.”

439. The psychological impact of this crisis plagues Christine. “I’ve read that the water cannot really be considered safe until the pipes have been [replaced]. That has not been done. I don’t feel safe letting the children use the water... they never told us exactly what was in it!” she explained. “[The Navy] says there are no studies that show there will be any long-term effects. But we are the study now.”

zzz. The Tichepco Family

440. Jonathan Tichepco and his children, J.J.T. and J.M.T., lived in their Kapilina home for four years. After the jet fuel spills, the family noticed increased and unexplained fatigue. Jonathan began to suffer from joint pain, nerve issues, mood swings, and stomach issues—and he worried about his health. But when J.J.T.’s asthma worsened and he had eye irritation after bathing, along with trouble sleeping, and J.M.T.’s eczema worsened, with boil-like ruptures on her arms, trunk and legs, he became terrified for the health of his children.

441. After the jet fuel spill, the Tichepco family was not offered a hotel and continued to pay rent for a home where they had no access to clean, safe water. They did not have the financial means to move or stay in a hotel. J.M.T.’s skin

issues continued to plague her. Her hands became so cracked they bled, and her rashes were agitated by clothing. In March, Jonathan rushed to the hospital for severe abdominal pain and vomiting. The doctors found that his appendix was inflamed and on the verge of rupturing. Emergency surgery was performed.

442. Shortly before the water contamination Jonathan opened his own food truck to help provide for his family. After the water contamination, the community stopped using his services, and his business suffered tremendously. Jonathan and the children continue to struggle with symptoms. He still hand washes their clothes with bottled water and special detergent to help with J.M.T.'s eczema, and the children still fear the water. Jonathan is worried about the long-term effects this will have on his children.

aaaa. The Torres Family

443. Cheryl (Cher) Torres and her children, Serenyti Baldonado, and minor children Sa.T., and So.T., moved to their Hale Na Koa home in November 2018. In 2021, the family suffered from rashes, extreme hair loss, headaches, and weight loss. Sa.T., who is autistic, became moody and showed regression in skills and behavior that were once managed with his strict routine. Unable to move into a hotel due to Sa.T.'s anxiety, Cher purchased shower heads with filters and increased their water delivery service. After the spill, So.T. was taken to his doctor to address painful rashes, especially on his hands.

444. The family sought care from government medical providers, but the care was deficient. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

445. Filled with fear about the water's safety, the family has continued to use bottled water for hygienic use and eat meals that do not require the use of water. With some continued symptoms, Cher is anxious about the health of her family and fears for her children's future.

bbbb. The Tuck-Ringwalt Family

446. In the summer of 2021, Norine Tuck- Ringwalt, along with her children, K.R., A.R., and E.R., and their family pets, relocated from Ohio to the Kapilina Beach Homes community, leaving behind an emotionally toxic living situation. Norine was thrilled to give them all a fresh chance at health, happiness, and peace.

447. In early November, Norine was diagnosed with thyroid dysfunction. During the last week of November, the entire household suffered from nausea, vomiting, and intense headaches.

448. Because of the water crisis, Norine's single income family life was strained. She was forced to depend on water from designated water trucks, and the inability to ensure her family's access to safe water created significant psychological trauma. In early December, Norine had hernia surgery, compounding her stress. She had to depend on the goodwill of neighbors and her oldest child. As the family entered the new year, fatigue, migraines, intestinal issues, and mood swings became normal occurrences. In early January, A.R. was seen in a local emergency room with body aches, headaches, and difficulty walking.

449. On January 22, the family moved out of their Kapilina home. Despite this, in late February, A.R. woke up with a swollen, red face that appeared to be burned. According to her pediatrician, the state toxicologist stated A.R.'s rashes were consistent with chemical burns caused by hydrocarbon exposure. Over the following months, the family continued to suffer from health and psychological issues. By mid-2022, Norine felt the environment in her home was not safe for A.R. nor for the family dynamic. Norine made the decision to have her child return to the mainland to live with extended family members. Adding to the trauma, the Tuck-Ringwalt family cat died unexpectedly, after a sudden struggle with high pancreas levels and lung lymphomas.

450. Norine feels her family has been left with little hope, and struggles

with the fear of what this exposure means for her family's health in the future.

"I'm terrified we will get cancer," she says.

cccc. The Van Devender Family

451. Navy spouse Melanie Van Devender, and her children, L.V., P.V., and S.V., moved into the Halsey Terrace neighborhood in 2019. With her husband's retirement on the horizon, Melanie was hoping for an unforgettable experience at what could be the military family's last duty station.

452. In 2021, Melanie noticed a burning sensation in her eyes when washing her face, and her children began suffering from facial, abdomen, and extremities rashes. P.V.'s attention deficit disorder worsened. In late November, Melanie noticed a sheen on her water, accompanied by a strong smell of gasoline permeating her home. "[The miliary] never told us anything, I had to look everything up myself [on social media]," she explained. In December, the children suffered from gastrointestinal issues, headaches, and upper respiratory infections. Melanie experienced respiratory distress, fatigue, headaches, and anxiety. In early December, for the first time in two years, Melanie had a lupus flare, something that took months for her to recover from and forcing her to use an inhaler.

453. On December 6, 2021, Melanie and her children were seen at Branch Health Clinic Makalapa. L.V., who had been "seeing red" in her stools, was seen for intense stomach pains and diarrhea. Her doctor noted that it was possible her

distress was triggered by consumption of tainted water. P.V. had an infected rash around her nostrils and mouth and the physician noted the rash was temporally associated with exposure to malodorous water in the Halsey housing area. S.V., who has epilepsy, was seen for nausea and headaches. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

454. In early December, the family checked into the first of 3 hotels that they used for showers. Both S.V. and L.V. experienced prolonged intestinal sensitivity. P.V. continued to struggle with worsening symptoms of attention deficit disorder. Behavioral changes and emotional reactivity lingered for each child.

455. The family experienced significant psychological impact as fear of the “acid water” caused worry about “accidentally washing their hands, or brushing their teeth, with contaminated water.”

dddd. The Watson Family

456. In August 2019, military spouse, Tra’Lena and her daughter, K.W.,

moved into the Aliamanu Military Reservation community. Soon after, the family was thrilled to welcome a second child, D.W., to the family.

457. After the fuel spills, the family constantly felt ill. Tra'Lena struggled with intense headaches, brain fog, and severe abdominal pain. Baby D.W. struggled with eczema that caused his skin to feel rough. K.W. struggled with skin issues and nosebleeds so severe that Tra'Lena took her to the pediatrician at Tripler. K.W. had an unexplained seizure, one month after leaving the island in December. "It was so scary, my husband found her, laying there, and he was screaming for me to call the ambulance," she recalled. Neither brain scans nor doctors led to answers for the cause of the seizure. None of the family members were treated appropriately for their exposure. Government medical providers knew or reasonably should have known about the fuel leaks and the threat to public health they posed. Through their training and protocols, military medical providers possess an understanding of risk assessment and treatment for toxic exposure. Toxicological testing was not performed in a timely and proactive manner, nor was suitable treatment given, to ensure health after a known exposure to fuel-contaminated water.

458. Tra'Lena struggles with an overwhelming sense of fear when it comes to her own health. "I am scared that when I go to the doctor for these headaches, they will tell me I have a tumor in my head," Tra'Lena said. The family suffered

financially because they had to destroy or throw away much of their belongings due to contamination. But it is the future that concerns Tra'Lena the most. "We have no idea what to anticipate, my son grew in my stomach in that house, was he exposed [in utero]? I don't know what will transpire in the future because of the poison."

eeee. The Wenmoth Family

459. Jessica and Ashley Wenmoth, and their children, L.C.W., A.W., L.G.W, and J.W., lived in their home in Kapilina Beach Homes since June 2021. In the summer of 2021, the family began experiencing body aches and cramps that limited their normal outdoor activities. They were plagued with constant headaches and the children had behavioral problems, and A.W. had burns on the inside of her mouth after brushing her teeth. Their doctor instructed the Wenmoth family to drink more water and get out more.

460. After learning about the jet fuel spill, the Wenmoths became anxious and angry at the misinformation. Their home was flushed at the beginning of February and by mid-March it was cleared. After the Wenmoths returned home, the entire family began experiencing headaches again, and L.C.W. often felt sick. Jessica began suffering from insomnia and her doctors ran routine blood work.

461. J.W. is still terrified of drinking the water and often struggles to take a bath. A.W. still complains about her skin. Jessica has noticed continued hair loss—

even her eyebrows. And the financial blow of replacing contaminated items in their home has taken a toll. Their children still struggle with lifestyle changes from the water restrictions and added stress.

ffff. The Zimmerman Family

462. Rebecca Zimmerman moved into the Doris Miller community in 2017. After the fuel spills, Rebecca experienced symptoms of burning eyes, hair loss, increased acne, headaches, and a mental health decrease. The Zimmermans moved to Virginia in January 2022 and in April, an ER visit for abdominal pain, Rebecca was given an MRI and doctors determined she had swollen lymph nodes.

463. Shortly after leaving the island, Rebecca suffered the loss of her beloved dog, Duggy. In December 2020, Duggy left a veterinarian visit with a clean bill of health. But in February 2022, he had a 200-point difference in his blood urea nitrogen levels and had elevated kidney levels. On February 7, Duggy passed away in Rebecca's arms. The cost of Duggy's illness was expensive, but the loss of her beloved companion is incalculable. With continued joint pain, Rebecca battles lingering anxiety and fear for her future health.

CAUSES OF ACTION

COUNT I: NEGLIGENCE

464. Plaintiffs incorporate by reference the allegations set forth in the preceding paragraphs as if fully set forth here at length.

465. The United States owns and operates the Red Hill Bulk Fuel Storage Facility.

466. The United States had a duty to exercise reasonable care in the operation and maintenance of the Red Hill Bulk Fuel Storage Facility.

467. Federal officers breached the duty to exercise ordinary care at Red Hill in at least the following respects:

- a. Officers failed to adhere to the proper valve sequencing in May 2021;
- b. Officers failed to implement mandatory corrective actions after the May 2021 leak and prior leaks;
- c. Officers violated mandatory provisions of the Safe Drinking Water Act;
- d. Officers failed to install or replace pipes with mandatory steel piping;
- e. Officers operated the train cart on November 20, 2021, negligently and at excessive speed;
- f. Officers knew or should have known of the fuel buildup in the PVC piping between May and November 2021 and failed to take corrective action;
- g. Officers failed to warn residents that the leaks had occurred in violation of federal and state law;
- h. Officers ordered junior servicemembers to flush hazardous fuel into

groundwater without a permit and in violation of federal and state law;

- i. Officers knew that maintenance failures had compromised Red Hill and failed to take corrective action to prevent harm;
- j. Officers failed to test water samples for petroleum and destroyed water samples from affected homes; and
- k. Various other safety violations and breaches to be determined upon discovery.

468. As a direct and proximate result of defendant's breach of duty of care, the plaintiffs have been injured.

469. As a direct and proximate result of the negligence of defendant and its officials, the plaintiffs suffered substantial injuries and damages, including severe mental and emotional distress.

470. As a direct and proximate result of the negligence of defendant and its officials, the plaintiffs suffered special damages and will require testing/medical monitoring to be determined by expert testimony.

471. Plaintiffs are entitled to actual damages in a fair and reasonable sum in an amount to be determined at trial sufficient to compensate the plaintiffs for the negligence of the United States.

COUNT II: NEGLIGENT UNDERTAKING

472. Plaintiffs incorporate by reference the allegations set forth in the

preceding paragraphs as if fully set forth here at length.

473. “The Supreme Court has repeatedly found that the United States can be held liable under the Federal Tort Claims Act if a private person would face good Samaritan liability under state law.” *Williams v. United States*, 711 F. Supp. 2d 1195, 1207 (D. Haw. 2010) (citing *Indian Towing Co. v. United States*, 350 U.S. 61, 69 (1955)).

474. Hawai‘i state law recognizes liability related “to the voluntary assumption of a duty or undertaking.” *Id.*

475. The Navy voluntarily undertook the responsibility to provide safe drinking water to all those on the Navy water line on O‘ahu. Having undertaken that responsibility, the Navy was required to do so with reasonable care.

476. Furthermore, federal law and “regulations can give rise to a state-law duty under the good Samaritan doctrine. *Id.* at 1208.

477. The United States Congress voluntarily undertook the creation of laws such as the Safe Drinking Water Act and the Clean Water Act to avoid the foreseeable harms of toxic water contamination. United States agencies such as the Environmental Protection Agency and the Department of Defense undertook to establish specific regulations, orders, and decrees to implement those laws and avoid harms to public drinking water systems, including:

- a. Establishing “specific Operations Orders” to conduct appropriate valve

opening and closing sequencing to avoid fuel spills.

- b. Mandating the use of “schedule 40 steel pipe” instead of PVC plastic piping for fire suppression systems like the Red Hill system under the Unified Facilities Criteria specifications for the Department of Defense’s Fire Protection Engineering for Facilities, UFC 3-60-01, Section 9-9.2.1.
- c. Requiring the issuance of a Tier 1 public notice “no later than 24 hours” after learning of violations of the national primary drinking water regulations with “significant potential to have serious adverse effects on human health” as required by 40 CFR §141.201.
- d. Prohibiting the “discharge of any pollutant into waters of the United States” without authorization under 33 U.S.C. § 1311(a).
- e. Establishing standards of care when military personnel experience exposure to benzene, including requiring “complete blood count” with “results reviewed by an examining physician,” and if they faced “emergency exposure,” receiving an “end of shift urinary phenol test” under The Department of Defense Occupational Health Surveillance Manual, DODD 6055.05.

478. Furthermore, the Department of Defense explicitly undertook to pursue “corrective actions” on multiple occasions regarding water contamination at

Red Hill, including:

- a. Establishing a Final Groundwater Protection Plan with the State of Hawai‘i in 2008 to “mitigate the risk associated with future releases” from the fuel tanks, including plans to “implement a rigorous tank maintenance program” and “research and investigate a viable leak detection system.”
- b. Entering into an Administrative Order on Consent in 2014 with agencies including the Hawai‘i Department of Health and the EPA to take steps to ensure that the groundwater resource in the vicinity of the Facility is protected and the Facility is operated and maintained safely, with a specific focus on a “catastrophic release scenario” involving “a piping failure with a release into the lower access tunnel” that was “being addressed by the Navy and [Defense Logistics Agency].”
- c. Undertaking in a 2021 Mitigations Report the proper construction of the pipeline system, safety alarms to be restored and updated to proper working order, and clear instructions to follow the existing rules set forth by the Department of Defense (October 2021 Mitigations Report).
- d. After the fuel blast, frequent statements by defendants accepted responsibility for failures at Red Hill and undertook to “fix” them.

- i. In January 2022 Admiral Converse stated, “the Navy caused this problem, we own it, and we’re gonna fix it.”
- ii. On December 6, Secretary of the Navy Carlos Del Toro, publicly apologized for the crisis and said, “We are committed to rebuilding this trust. We’re doing everything we can try to fix the problem.”
- iii. On December 14, 2021, Deputy Secretary of Defense Dr. Kathleen Hicks stated, “I am committed to ensuring the health and well-being for our Service Members, their families, the people of Hawai‘i, and the environment.”

479. Follow up audits and reports show that these undertakings were conducted negligently:

- a. The Navy’s audit confirmed it was not complying with the requirements of the Final Groundwater Protection Plan by finding “four areas of concern” including “groundwater contamination; tank inspection and maintenance requirements and schedule; detection of fuel releases; and completion [non-compliance] of response actions required by the GPP.” This audit led to additional commitments in the audit itself to the undertaking to “sufficiently” protect the environment and groundwater sources.

- b. The Cavanaugh Report shows that these undertakings were conducted negligently, and the Navy again undertook to fix the problems: “The Navy has a moral obligation and ethical duty to fix our mistakes, safeguard the environment, and rebuild trust. We must act.”

480. The United States, through Congress and its agencies, rendered these services because Congress and the agencies recognized that they were necessary for the protection of individuals like the plaintiffs.

481. Federal officers breached the duty to exercise ordinary care after an undertaking in at least the following respects:

- a. Officers failed to adhere to the proper valve sequencing in May 2021;
- b. Officers failed to implement mandatory corrective actions after the May 2021 leak and prior leaks;
- c. Officers violated mandatory provisions of the Safe Drinking Water Act;
- d. Officers failed to install or replace pipes with mandatory steel piping;
- e. Officers operated the train cart on November 20, 2021, negligently and at excessive speed;
- f. Officers knew or should have known of the fuel buildup in the PVC piping between May and November 2021 and failed to take corrective action;

- g. Officers failed to warn residents that the leaks had occurred in violation of federal and state law;
- h. Officers ordered junior servicemembers to flush hazardous fuel into groundwater without a permit and in violation of federal and state law;
- i. Officers knew that maintenance failures had compromised Red Hill and failed to take corrective action to prevent harm;
- j. Officers failed to properly remediate affected homes;
- k. Officers failed to test water samples for petroleum and destroyed water samples from affected homes; and
- l. Various other safety violations and breaches to be determined upon discovery.

482. As a direct and proximate result of defendant's breach of duty of care, the plaintiffs have been injured.

483. As a direct and proximate result of the negligence of defendant and its officials, the plaintiffs suffered substantial injuries and damages, including severe mental and emotional distress.

484. As a direct and proximate result of the negligence of defendant and its officials, the plaintiffs suffered special damages and will require testing/medical monitoring to be determined by expert testimony.

485. Plaintiffs are entitled to actual damages in a fair and reasonable sum

in an amount to be determined at trial sufficient to compensate the plaintiffs for the negligence of the United States.

COUNT III: NUISANCE

486. Plaintiffs incorporate by reference the allegations set forth in the preceding paragraphs as if fully set forth here at length.

487. Plaintiffs are, or during some or all of the pertinent times were, in lawful possession of their properties on the Red Hill Navy water line, and used them, or had the right to use them, as residences or for other legitimate uses.

488. The United States owned and materially controlled the Red Hill Bulk Fuel Storage Facility in close proximity to the plaintiffs' properties and the water well that provided water to the plaintiffs' properties.

489. The United States is liable for the creating a condition at the plaintiffs' residences that interfered with their right to use and enjoy those properties. The officers' conduct in operating the Red Hill Bulk Fuel Storage Facility thereby caused a nuisance to the plaintiffs.

490. The plaintiffs' right to use and enjoy their properties has been impaired by the United States allowing fuel to leak from the Red Hill Bulk Fuel Storage Facility into its water well, contaminating the water delivered to the plaintiffs' properties.

491. The nuisance caused by the United States has substantially impaired

the plaintiffs' use and enjoyment of their property, has caused inconvenience, decreased quality of life, physical and mental discomfort, reasonable fear of disease, and adverse health effects.

492. The United States has engaged in improper or negligent operation of the Red Hill Bulk Fuel Storage Facility, causing harm to the plaintiffs.

493. Defendant's conduct has been unreasonable. Reasonable persons, generally, looking at defendant's conduct, the problems caused by it, and by the nature of the harm to the plaintiffs' properties and health, would consider defendant's conduct to be unreasonable.

494. The invasions, harms, and injuries complained of herein by the plaintiffs are substantial invasions, harms, and injuries to the plaintiffs' health, both physical and mental.

495. The United States had full knowledge during some or all of the pertinent times when the Red Hill Bulk Fuel Storage Facility leaked fuel into the water supply and caused nuisance injury and harm to the plaintiffs.

496. The United States knew or should have known that leaking fuel into the water supply would invade the plaintiffs' properties and substantially impair the plaintiffs' health and use and enjoyment of their properties.

497. While knowing that practicable technologies and methods are available to abate fuel leaks, defendant has failed to abate the causes of nuisance.

498. Defendant's conduct described above constitutes a series of recurring abatable nuisance, which defendant has failed to remedy within a reasonable period of time, and for which defendant is liable.

499. As a result of defendant's liability for recurring abatable nuisance, the plaintiffs are entitled to compensatory damages in an amount to be determined at trial.

COUNT IV: MEDICAL NEGLIGENCE, FAILURE TO TREAT, DELAYED CARE

500. Plaintiffs incorporate by reference the allegations set forth in the preceding paragraphs as if fully set forth here at length.

501. Medical negligence claims under this count are brought for the following plaintiffs at this time: Jamie Simic, as Next Friend to her minor child M.S.; Jamie Simic, as Next Friend to her minor child J.S.; Adrianna Coberley as Next Friend to her minor child A.M.; Adrianna Coberley as Next Friend to her minor child K.M.; Adrianna Coberley as Next Friend to her minor child B.C.; Adrianna Coberley as Next Friend to her minor child O.C.; Sheena Jessup as Next Friend to her minor child B.B.J.; Sheena Jessup as Next Friend to her minor child B.J.J.; Sheena Jessup as Next Friend to her minor child N.J.; Sheena Jessup as Next Friend to her minor child D.J.; Audrey Lamagna; Audrey Lamagna as Next Friend to her minor child Au-J.L.; Audrey Lamagna as Next Friend to her minor child Ai-J.L.; Isabel Maloon; Lorelei Pulou; Lorelei Pulou as Next Friend to her

minor child V.P.; Lorelei Pulou as Next Friend to her minor child S.P.; Lorelei Pulou as Next Friend to her minor child J.P.; Lorelei Pulou as Next Friend to her minor child H.P.; Lorelei Pulou as Next Friend to her minor child F.P.; Daniel Traina; Daniel Traina as Next Friend to his minor child Z.T.; Daniel Traina as Next Friend to his minor child J.R.; Chad Watson, Mark Anderson; Cheryl Burness; N.B.; M.B.; Devon Connaroe; L.C.; M.C.; T.C.; E.C; Elizabeth Cotner; M.C.; B.C; Joey Cua; Alisha Cua; Ka.C.; Ke.C.; S.C.; Tiffany Deluca; M.D.; Sarah Gonzales; Kylie Gonzales; C.G.; M.G.; Brittany Hampton; Sh.H.; Su.H.; Sl.H.; Sa.H.; Megan Hernandez; K.H.; M.H.; C.H; Shawn Hunkins; Andrea Hunkins; Natalia Rodriguez; A.H.; E.H.; C.H.; Jennifer Jursinic; M.J.; Payton Lamb; K.L; Scott Lattimer; Christine Lattimer; Sandra Klinehoffer; Robert Klinehoffer; Kathleen Marshall; J.M.; G.M.; R.M.; D.M.; E.M.; Kristin McClain; K.M.; Samantha McCoy; C.M.; T.M.; D.M.; Tyler McNamee; A.M.; E.M.; S.M.; J.M.; Verna-Mariah Menendez; A.M.; K.M.; M.M.; Bridget Merancio; Q.M.; N.M.; J.M.; Peter Moellenberndt; Laura Moellenberndt; Serena Ongaro; N.O.; M.O.; Carina Peoples; M.P.; C.P.; Stefanie Reiling; A.R.; Ariel Rader; A.R; E.R.; H.R.; Christine Roberts; A.C.; E.C.; Cheyenne Schaefer; C.E.; R.S.; S.S.; Stacey Scott; S.S.; E.S.; B.S.; Melissa Seibert; A.S.; Be.S.; Bi.S.; Es.S.; Ev.S.; M.S.; H.S.; W.S.; V.S.; Christina Snoke; T.S.; D.S.; Cheryl Torres; Sa.T.; So.T.; Serenyti Baldonado; Melanie Van Devender; L.V.; P.V.; S.V.; Tra'Lena Watson; K.W.; D.W.

502. Other plaintiffs did not receive government provided medical care and do not bring medical negligence claims at this time.

503. The United States has negligently failed to treat these plaintiffs' medical conditions caused by the Red Hill Bulk Fuel Storage Facility fuel leaks.

504. The United States has failed to monitor these plaintiffs' conditions, perform required medical tests, or treat the illnesses caused by the negligent conduct relating to the Red Hill Bulk Fuel Storage Facility fuel leaks.

505. The United States has failed to adhere to the accepted standards of care for these plaintiffs.

506. The United States has failed to timely address the health conditions of each of these plaintiffs or perform the standard of care in a timely manner, including appropriate referrals.

507. In some instances, the United States has failed to treat these plaintiffs altogether, refusing appropriate tests or treatment.

508. The United States failed to clearly communicate the important facts regarding the Red Hill Bulk Fuel Storage Facility fuel leaks to these plaintiffs or their medical care providers, allowing them to become ill, with no transparency in communicating the origin of the harm.

509. Defendant's conduct described above constitutes a medical failure to treat or delay to treat medical conditions of these plaintiffs, for which the United

States is liable.

510. As a result of defendant's liability for recurring abatable medical negligence and failure to treat, these plaintiffs are entitled to compensatory damages in an amount to be determined at trial.

COUNT V: INFLICTION OF EMOTIONAL DISTRESS

511. Plaintiffs incorporate by reference the allegations set forth in the preceding paragraphs as if fully set forth here at length.

512. By its acts and omissions, the United States caused fuel to leak into the water system and injure residents, which thereby caused the plaintiffs worry, anxiety, anguish, suffering, and grief.

513. The United States knew that the Red Hill facility has a history of fuel leak water contamination, and that it was probable that additional leaks would occur and cause substantial damage if it did not act.

514. The United States must now pay for the exact consequences that it knew would happen and for which it accepted the risk.

515. Plaintiffs, as well as their children, spouses, and other occupants of their homes, have suffered, are suffering, and will continue to suffer because of the defendant's acts and omissions.

516. Defendant's conduct was a substantial factor in causing the plaintiffs' severe emotional distress.

517. Plaintiffs have been damaged in an amount to be proven at the time of trial.

COUNT VI: NEGLIGENT SPOILIATION OF EVIDENCE

518. Plaintiffs incorporate by reference the allegations set forth in the preceding paragraphs as if fully set forth here at length.

519. By its acts and omissions, the United States caused fuel to leak into the water system and injure residents.

520. These injuries created the “existence of a potential civil action.” *Matsuura v. E.I. du Pont de Nemours & Co.*, 102 Hawaii 149, 166-67, 73 P.3d 687, 704-05 (2003). Such a civil action was obvious to the defendants immediately and undeniable by February 2022 with the filing of plaintiff’s SF-95 claims.

521. The United States had a legal or contractual duty to preserve evidence relevant to that potential civil action, including water sample vials collected from over 1,000 homes that would have shown the chemical composition of the water.

522. The United States did not specifically test the water samples for petroleum.

523. The United States destroyed the evidence.

524. The destruction of the evidence will cause “significant impairment in the ability to prove the lawsuit” because the United States will seek to minimize its damages by claiming minimal exposure of plaintiffs to minimally contaminated

water.

525. There is a causal relationship between the destruction of evidence and challenges of proof.

526. Failure to either prove the lawsuit or to prove the extent of harm will lead to damages for plaintiffs.

527. Defendant's conduct described above constitutes a negligent spoliation of evidence, for which the United States is liable.

528. As a result of defendant's liability for negligent spoliation of evidence, the plaintiffs are entitled to compensatory damages in an amount to be determined at trial.

COUNT VII: PREMISES LIABILITY, DUTY TO CONTROL FORCE

529. Plaintiffs incorporate by reference the allegations set forth in the preceding paragraphs as if fully set forth here at length.

530. The United States is the occupier, owner, and possessor of the following premises: the Red Hill Bulk Fuel Storage Facility, the water system, and the housing which Plaintiffs leased and resided upon. While generally, "a landowner is not liable for injuries occurring after a lessee takes possession of the land," there are two well established exceptions:

531. A lessor may be liable for a known but hidden condition. And a lessor may also be liable for nuisance emanations "that invade an individual's property

from another location” and “interfere with an individual’s right to use and enjoy land.” *Mitchell v. United States*, No. 11-00088 HG-KSC, 2011 U.S. Dist. LEXIS 103409, at *18-21 (D. Haw. Sep. 9, 2011) (citing *Renz v. 33rd Dist. Agricultural Assn.*, 39 Cal. App. 4th 61, 46 Cal. Rptr. 2d 67 (Cal. Ct. App. 1995)).

532. As an occupier, owner, and possessor of land, the United States has a duty to use reasonable care for the safety of all persons reasonably anticipated to be on the premises.

533. By its acts and omissions, the United States failed to use reasonable care for the safety of persons reasonably anticipated to be on the premises it controlled.

534. By its acts and omissions, the government failed to warn of a known but latent hazardous condition.

535. By its acts and omissions, the United States created a nuisance that invaded plaintiffs’ property and interfered with their right to use and enjoy the land.

536. “[T]o prove [a] claim for premises liability under Hawai’i law, [plaintiff] must prove by a preponderance of the evidence that a condition existed . . . which posed an unreasonable risk of harm, and that Defendant failed to take reasonable steps to eliminate that risk or to adequately warn visitors about it.” *Paredes v. United States*, No. 19-00161 WRP, 2022 U.S. Dist. LEXIS 63535, at

*18 (D. Haw. Feb. 24, 2022).

537. A condition existed which posed an unreasonable risk of harm. The United States contaminated plaintiffs' water system with fuel and other contaminants. That contamination was known to the government but latent to others.

538. The United States failed to take reasonable steps to eliminate that risk or to adequately warn residents about it. The government failed to warn residents of the May 2021 leak altogether. And the government waited *twelve days* to disclose the blast that occurred on November 20, 2021. And then, while the government disclosed the presence of JP-5, the government failed to disclose the presence of harmful additives like antifreeze.

539. The United States knew or should have known of the hazard or defect that caused the injury.

540. The United States was also in immediate control of a force—jet fuel at Red Hill Bulk Fuel Storage Facility and contaminated water in its drinking water system—that it knew or had reason to know was in dangerous proximity to persons on the land that it possessed, including Plaintiffs.

541. The United States failed to control the force to prevent it from doing harm to plaintiffs.

542. The United States failed to give a warning which was reasonably

adequate to enable plaintiffs to protect themselves. The government could have avoided medical harm to the plaintiffs had the government disclosed the leaks and warned residents not to drink—or bathe in—contaminated water.

543. As a direct and proximate result of defendant's breach of duty of care to those on its premises and in dangerous proximity to the force controlled by the United States, the plaintiffs have been injured.

544. As a direct and proximate result of the negligence of defendant and its officials, the plaintiffs suffered substantial injuries and damages, including severe mental and emotional distress.

545. As a direct and proximate result of the negligence of defendant and its officials, the plaintiffs suffered special damages and will require testing/medical monitoring to be determined by expert testimony.

546. Plaintiffs are entitled to actual damages in a fair and reasonable sum in an amount to be determined at trial sufficient to compensate the plaintiffs for the negligence of the United States.

547. Defendant's conduct described above constitutes premises liability, for which the United States is liable.

548. As a result of defendant's premises liability, the plaintiffs are entitled to compensatory damages in an amount to be determined at trial.

CAUSATION

549. But for the conduct of the federal officers at Red Hill, the plaintiff families would not have suffered inconvenience, illness, economic injury, and fear.

550. As a general matter, the ingestion of jet fuel and its contaminants causes medical harm. Fuel is composed of toxic hydrocarbons that are highly dangerous to the human body. The Agency for Toxic Substances and Disease Registry (ATSDR) of the United States Department of Health and Human Services describes the long-lasting health effects of exposure to fuel chemicals. Such exposure can occur by breathing air in an area where an accident or leak of these jet fuels has occurred, touching contaminated soil, swimming in waters where jet fuels have been spilled, living near a hazardous waste site where jet fuels are disposed or, most directly, drinking such fuel.

551. In the near-term, symptoms of such exposure regularly include headaches, fatigue, nausea, drowsiness, irritation of the throat and stomach, difficulty breathing, fever, and vomiting. In the long term, permanent damage to the central nervous system can result, as well as pneumonia, cancer, decreased immune response, decreased neurological function, impaired hearing, and skin alteration. Drinking too much jet fuel can lead to unconsciousness and death. Affected organ systems include the respiratory tract, gastrointestinal tract, nervous system, liver, kidneys, reproductive system, and harm to a developing fetus—

miscarriages have been reported. Benzene, just one of the chemicals the EPA identified as present in the Red Hill fuel, causes chronic conditions such as aplastic anemia, leukemia, and potentially multiple myeloma.¹⁰

552. Specifically, each plaintiff has suffered inconvenience and life disruption, economic injury, illness, and fear and trauma.

553. Each plaintiff is also at increased risk of future medical harm and will need medical monitoring for the associated long-term illnesses.

NO EXCEPTIONS APPLY

554. None of the plaintiffs' claims asserted herein are subject to any of the exceptions to sovereign immunity found in 28 U.S.C § 2680.

¹⁰ Benzene featured prominently as a substance present in another military water contamination case: the Camp Lejeune water contamination crisis. From the 1950s through the 1980s, people living or working at the U.S. Marine Corps Base Camp Lejeune, North Carolina, were exposed to drinking water contaminated with industrial solvents, including benzene. For those exposed to that contaminated water, the Department of Veterans Affairs now considers the following health conditions to be presumptively connected to their service:

- Adult leukemia
- Aplastic anemia and other myelodysplastic syndromes
- Bladder cancer
- Kidney cancer
- Liver cancer
- Multiple myeloma
- Non-Hodgkin's lymphoma
- Parkinson's disease

555. None of the negligent acts described herein were discretionary or subject to policy analysis.

556. None of the acts or omissions described herein are protected by the misrepresentation exception.

557. The United States, including the US Navy and its employees, failed to meet the required reporting obligations as described herein.

558. The United States, including the US Navy and its employees, failed to exercise due care in the execution of its duties under the required report obligations described herein.

JURISDICTION, VENUE & SERVICE

559. This Federal District Court has federal-question jurisdiction because this action is brought pursuant to and in compliance with the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671 *et seq.*

560. Venue is proper in this district pursuant to 28 U.S.C. § 1402(b) because the United States is a defendant, and this is the judicial district where the acts or omissions complained of in this complaint occurred.

561. The United States of America may be served with process in accordance with Rule 4(i) of the Federal Rules of Civil Procedure. Service is affected by serving a copy of the Summons and Complaint on the United States Attorney for the District of Hawai‘i by certified mail, return receipt requested at

her office:

United States Attorney's Office
ATTN: Civil Process Clerk
300 Ala Moana Blvd # 6-100
Honolulu, HI 96850

562. Service is also affected by serving a copy of the Summons and Complaint on Merrick Garland, Attorney General of the United States, by certified mail, return receipt requested at:

The Attorney General's Office
ATTN: Civil Process Clerk
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

LIABILITY OF THE UNITED STATES

563. This case is commenced and prosecuted against the United States of America to and in compliance with Title 28 U.S.C. §§ 2671–80, the Federal Tort Claims Act. Liability of the United States is predicated specifically on 28 U.S.C. § 2674 because the personal injuries and resulting damages of which the Complaint is made were proximately caused by the negligence, wrongful acts or omissions of representatives, employees, or agents of the United States of America working for the United States Department of the Navy, Army, or Defense, while acting within the scope of their office, employment, or agency under circumstances where the United States of America, if a private person, would be liable to the plaintiffs in the same manner and to the same extent as a private individual.

564. Through the Federal Torts Claim Act, the United States has waived its sovereign immunity for the acts and omissions described here. *E.g.*, *Evans v. United States*, 876 F.3d 375, 380 (1st Cir. 2017), *cert. denied*, 139 S. Ct. 81 (2018).

565. The defendant, the United States of America, through its agencies, at all times material to this lawsuit, owned and operated the Red Hill Bulk Fuel Facility and staffed its facilities and vehicles with its agents, servants, and employees.

CONDITIONS PRECEDENT

566. Pursuant to 28 U.S.C. § 2675(a), all plaintiffs timely presented their claims to the United States by submitting Forms SF-95 to the Vice Admiral Darse E. Crandall, Office of the Judge Advocate Office, General Tort Claims Unit Norfolk, 9620 Maryland Avenue, Suite 205, Norfolk, Virginia 23511-2949. On February 22, 2022, claims were submitted via USPS Priority Mail Express. *See* Ex. A (Forms SF-95, cover letter, and Navy acknowledgement letters for February 2022 claims). Subsequent claims have been submitted by electronic mail to Department of the Navy, Office of the Judge Advocate General, Torts Claims Unit Norfolk, TortsClaimsUnit@us.navy.mil. *See* Ex. B (Forms SF-95, cover letter, and Navy acknowledgement letter for May 2022 claims), and Ex. C (Forms SF-95 and Navy acknowledgement letter for July 21, 2022 through December 2, 2022 claims).

567. Receipt of the February claims (Patrick Feindt, Jr., Navy File No. J220411; P.R.F, Navy File No. J220412; P.G.F, Navy File No. J220413; Nastasia Freeman, Navy File No. J220393; K.F., Navy File No. J220394; D.F., Navy File No. J220395; N.F., Navy File No. J220396; Kelly Jones, Navy File No. J220403; Joseph Maben, Navy File No. J220414, Patricia Maben, Navy File No. J220415; Jamie Simic, Navy File No. J220404; M.S., Navy File No. J220405; J.S., Navy File No. J220406; by the Department of the Navy on February 24, 2022 and March 2, 2022 was acknowledged by Ms. Andrea R. Ladner and Ms. Amanda Cook, Tort Claims Assistants, Tort Claims Unit Norfolk, Office of the Judge Advocate General, Department of the Navy.

568. As of August 23, 2022, more than six (6) months elapsed since the February 22 claims were presented to defendant and defendant has not made a final disposition of the plaintiffs' claims. Accordingly, the claims of the plaintiffs are deemed denied pursuant to 28 U.S.C. § 2675(a).

569. Receipt of the May claims (Barbie Arnold, Navy File No. J220596, Crystal Arnold, Navy File No. J220592, J.A.A., Navy File No. J220593, J.E.A., Navy File No. J220594, J.B.A. Navy File No. J220595; Kevin Aubart, Navy File No. J220598, Saori Aubart, Navy File No. J220599; Cheryl Mello, Navy File No. J220602, AnnMarie Boggs, Navy File No. J220600, R.B., Navy File No. J220601; Adrianna Coberley, Navy File No. J220603, A.M., Navy File No. J220606, J.M.,

Navy File No. J220607, K.M., Navy File No. J220608, B.C., Navy File No. J220604, O.C., Navy File No. J220605; Richelle Dietz, Navy File No. J220609, B.D., Navy File No. J220610, V.D., Navy File No. J220611; Tiffany Flewellen-Reynolds, Navy File No. J220644, T.R., Navy File No. J220647, A.R., Navy File No. J220646; Jeff Fritz, Navy File No. J220649, Anayansi Fritz, Navy File No. J220650; Aitbeth Mudcha, Navy File No. J220657, Alexander Grow, Navy File No. J220651, Adriana Grow, Navy File No. J220652, At.G., Navy File No. J220655, Au.G., Navy File No. J220656, A.C.G., Navy File No. J220654; Sheena Jessup, Navy File No. J220658, B.B.J., Navy File No. J220662, B.J.J, Navy File No. J220661, N.J., Navy File No. J220659, D.J., Navy File No. J220660; Ashley Kirkpatrick, Navy File No. J220663, D.K., Navy File No. J220664, E.K., Navy File No. J220665; Audrey Lamagna, Navy File No. J220666, Au-J.L., Navy File No. J220667, Ai-J.L., Navy File No. J220668; Isabel Maloon, Navy File No. J220669, M.D., Navy File No. J220674, K.M., Navy File No. J220672, L.M., Navy File No. J220683, A.M., Navy File No. J220670, P.M., Navy File No. J220673, C.M., Navy File No. J220671; Katherine McClanahan, Navy File No. J220676, E.M., Navy File No. J220677, Brian McClanahan, Navy File No. J220675, William McClanahan, Navy File No. J220678; Belinda Miles, Navy File No. J220679, W.M., Navy File No. J220681, L.M., Navy File No. J220680; Kelly Morris, Navy File No. J220703, Hailey Morris, Navy File No. J220704; Tiffany

Overbaugh, Navy File No. J220700, J.O., Navy File No. J220701, B.O., Navy File No. J220702; Kandyce Perez, Navy File No. J220699, L.P., Navy File No. J220694, A.P., Navy File No. J220695, E.P., Navy File No. J220698, F.P., Navy File No. J220697; Harry Pulou, Navy File No. J220686, Lorelei Pulou, Navy File No. J220687, V.P., Navy File No. J220688, S.P., Navy File No. J220689, J.P., Navy File No. J220690, H.P., Navy File No. J220692, I.P., Navy File No. J220691, F.P., Navy File No. J220693; Lacey Quintero, Navy File No. J220653, C.J.Q., Navy File No. J220685, C.E.Q., Navy File No. J220684; Joshua Staple, Navy File No. J220639, J.S., Navy File No. J220638, G.S., Navy File No. J220637, N.S., Navy File No. J220641, S.S., Navy File No. J220642, K.S., Navy File No. J220640, A.S., Navy File No. J220636; Daniel Traina, Navy File No. J220633, Z.T., Navy File No. J220635, J.R., Navy File No. J220634; Chad Watson, Navy File No. J220629, M.T., Navy File No. J220631; Paige Wheeler, Navy File No. J220625, J.W., Navy File No. J220626, A.W., Navy File No. J220628, S.W., Navy File No. J220624; Lindsey Wilson, Navy File No. J220623, L.W., Navy File No. J220622; Elizabeth Witt, Navy File No. J220620; Amanda Zawieruszynski, Navy File No. J220615, J.Z., Navy File No. J220616, V.Z., Navy File No. J220617, and S.Z., Navy File No. J220618) by the Department of the Navy on May 16, 2022 was acknowledged by Amanda Cook, Tort Claims Assistants, Tort Claims Unit Norfolk, Office of the Judge Advocate General, Department of the Navy.

570. As of November 6, 2022, more than six (6) months elapsed since the May 6 claims were presented to defendant and defendant has not made a final disposition of the plaintiffs' claims. Accordingly, the claims of the plaintiffs are deemed denied pursuant to 28 U.S.C. § 2675(a).

571. Receipt of the July 21, 2022 and August 5, 2022 claims (Tiffany Deluca, Navy File No. J220920; M.D, Navy File No. J220921; C.F., Navy File No. J220935; Samantha Faulds, Navy File No. J220932; S.F., Navy File No. J220934; U.F., Navy File No. J220933; Rachael Kincaide, Navy File No. J220931; Brittnee Ferrell, Navy File No. J220929; S.F., Navy File No. J220930; Lisa Keeney, Navy File No. J220919; Sandra Klinehoffer, Navy File No. J220918; Robert Klinehoffer, Navy File No. J220917; Shane Perez, Navy File No. J220916; Ariel Rader, Navy File No. J220925; A.R., Navy File No. J220928; E.R., Navy File No. J220927; H.R., Navy File No. J220926; Christina Snoke, Navy File No. J220914; T.S., Navy File No. J220914; D.S., Navy File No. J220913; Jonathan Tichepco, Navy File No. J220922; J.J.T., Navy File No. J220923; J.M.T., Navy File No. J220924; Tara Davis, Navy File No. J220998; Payton Lamb, Navy File No. J221007; K.L., Navy File No. J221008; Emily Ingram, Navy File No. J221004; Kai Ingram, Navy File No. J221003; M.S.I., Navy File No. J221005; M.J.I., Navy File No. J221006; Kristin McClain, Navy File No. J221009; K.M., Navy File No. J221010; Verna-Mariah Menendez, Navy File No. J221011; A.M., Navy File No. J221013; K.M.,

Navy File No. J221014; M.M., Navy File No. J221012; Megan Hernandez, Navy File No. J220999; M.H., Navy File No. J221001; K.H., Navy File No. J221000; C.H., Navy File No. J221002; Alim Shabazz, Sr., Navy File No. J221015; Cydney Shabazz, Navy File No. J221016; A.W.S., Navy File No. J221017; A.C.S, Navy File No. J221018; A.E.S., Navy File No. J221025; Ashely Wenmoth; Navy File No. J221022; Jessica Wenmoth; Navy File No. J221020; A.W., Navy File No. J2210219; J.W., Navy File No. J221024; L.C.W., Navy File No. J221021; L.G.W., Navy File No. J221023.) by the Department of the Navy on August 11, 2022, was acknowledged by Kevin L. Walker, Torts Claims Paralegal, Torts Claims Unit Norfolk, Office of the Judge Advocate General, Department of the Navy.

572. As of February 6, 2023, more than six (6) months elapsed since the July 21 and August 5 claims were presented to defendants and defendant has not made a final disposition of the plaintiffs' claims. Accordingly, the claims of the plaintiffs are now deemed denied pursuant to 28 U.S.C. § 2675(a).

573. Receipt of claims has submitted past August 5, 2022 through December 2, 2022, (J.R.A.; Mark Anderson; Chris Marie Anton; C.C.; M.C.; Z.C.; BeeBee Briggs; L.J.; I.J.; X.J.; Aurora Briggs-Linnen; Vickie Briggs; Cheryl Burness; N.B.; M.B.; Alison Cameron; E.C.; Devon Connaroe; L.C.; M.C.; T.C.; E.C; Elizabeth Cotner; M.C.; B.C.; Joey Cua; Alisha Cua; Ka.C.; Ke.C.; S.C.; Danny Edrington; Anna Martin; Sarah Gonzales; Kylie Gonzales; C.G.; M.G.;

Larissa Greendahl; E.G.; O.G.; Brittany Hampton; Sh.H.; Su.H.; Sl.H.; Sa.H.;
Shawn Hunkins; Andrea Hunkins; A.H.; E.H.; C.H.; Natalia Rodriguez; Jennifer
Jursinic; M.J.; Elizabeth Kruer; M.K.; L.K.; G.K.; Scott Lattimer; Christine
Lattimer; Jacquelyn Luecking; O.L. ; R.L.; Cheryl Makua; Kekainoaikalai
“Kainoa” Makua; Kiara Makua; Kathleen Marshall; J.M.; G.M.; R.M.; D.M.;
E.M.; Samantha McCoy; C.M.; T.M.; D.M.; Tyler McNamee; A.M.; E.M.; S.M.;
J.M.; Bridget Merancio; Q.M.; N.M.; J.M.; Peter Moellenberndt; Laura
Moellenberndt; Serena Ongaro; N.O.; M.O.; Carina Peoples; M.P.; C.P.; Stefanie
Reiling; A.R.; Christine Roberts; A.C.; E.C.; Alfredo Sagucio; Doris Sagucio; V.R.
; Cheyenne Schaefer; C.E.; R.S.; S.S.; Stacey Scott; S.S.; E.S.; B.S.; Melissa
Seibert; A.S.; Be.S.; Bi.S.; Es.S.; Ev.S.; M.S.; H.S.; W.S.; V.S.; Cheryl Torres;
Sa.T.; So.T.; Serenyti Baldonado; Norine Tuck-Ringwalt; K.R; A.R.; E.R.;
Melanie Van Devender; L.V.; P.V.; S.V.; Tra’Lena Watson; K.W.; D.W.; Rebecca
Zimmerman) were not acknowledged by the Department of the Navy.

574. As of June 6, 2023, more than six (6) months elapsed since the August 5, 2022 through December 5, 2023 claims were presented to defendants and defendant has not made a final disposition of the plaintiffs’ claims. Accordingly, the claims of the plaintiffs are now deemed denied pursuant to 28 U.S.C. § 2675(a).

575. Plaintiffs have exhausted their administrative remedies under the

Federal Tort Claims Act and have fully complied with the statutory prerequisites for bringing this tort action against the United States.

DAMAGES

576. As a result of the negligence of federal employees, agents, or representatives, the plaintiffs have sustained damages and injuries including:

- a. Past and future physical pain and suffering;
- b. Past and future mental anguish and emotional distress;
- c. Past and future medical, healthcare, and attendant care expenses;
- d. Past and future lost income and of earning capacity;
- e. Past and future physical impairment;
- f. Past and future loss of enjoyment and quality of life;
- g. Past and future loss of enjoyment of property;
- h. Increased risk of future harm and medical monitoring for life;
- i. Loss of life expectancy;
- j. Nuisance damages, including inconvenience, illness, and fear;
- k. Out of pocket expenses;
- l. Loss of personal property;
- m. Costs;
- n. Prejudgment and post-judgment interest as provided by law, at the maximum legal rate; and

- o. Such other and further relief to which the plaintiffs may be justly entitled.

PRAYER

WHEREFORE, plaintiffs pray that this Court:

- a. Award the plaintiffs compensatory damages, in an amount to be determined at trial;
- b. Award the plaintiffs pre-judgment and post-judgment interest and any other costs, expenses, or fees to which they may be entitled by law; and
- c. Grant the plaintiffs such other and further relief as this Court deems just and proper.

DATED: Honolulu, Hawai'i, June 13, 2023.

Lyle S. Hosoda

/s/ Lyle S. Hosoda
LYLE S. HOSODA
KOURTNEY H. WONG
SPENCER J. LAU

/s/ Kristina S. Baehr
KRISTINA S. BAEHR
JAMES BAEHR

/s/ Frederick C. Baker
FREDERICK C. BAKER
JAMES W. LEDLIE
KRISTEN HERMIZ
CYNTHIA A. SOLOMON
SARA O. COUCH

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed and served on counsel of record via the U.S. District Court's CM/ECF electronic filing system on June 13, 2023.

/s/ Kristina S. Baehr
Kristina S. Baehr