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12  
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF ORANGE**

15 COURTNEY CAREY, ROBERT CAREY, )  
16 JODY CAREY AND CHRISTOPHER )  
CAREY, individually and on behalf of all )  
17 others similarly situated, )  
Plaintiffs, )  
18 v. )  
19 GKN AEROSPACE TRANSPARENCY )  
SYSTEMS, INC., )  
20 Defendant. )

Case No.: 30-2026-01572273-CU-TT-CXC  
UNLIMITED CIVIL CASE  
DEMAND FOR JURY TRIAL

1 **CLASS ACTION COMPLAINT**

2 Plaintiffs Courtney Carey, Robert Carey, Jody Carey and Christopher Carey, individually  
3 and on behalf of all others similarly situated (the “Class,” as more fully defined below), by their  
4 undersigned counsel, brings this class action lawsuit against Defendant GKN AEROSPACE  
5 TRANSPARENCY SYSTEMS INC. (“GKN”) arising from a hazardous and toxic chemical  
6 emergency at the GKN facility located at 12122 Western Avenue in Garden Grove, Orange  
7 County, California (“GKN Plant”). This hazardous and toxic chemical emergency has triggered  
8 evacuations affecting tens of thousands of residents across multiple cities and posed a significant  
9 risk of toxic release and/or explosion from tanks containing methyl methacrylate (“MMA”), a  
10 highly volatile, reactive, and flammable chemical that is harmful to human health when inhaled.  
11 As a result of the preventable hazardous and toxic chemical emergency, Plaintiffs and the other  
12 Class members have suffered a variety of damages including loss of use and enjoyment of their  
13 properties, interference with daily activities; out-of-pocket expenses for relocation, transportation,  
14 shelter, food, and child care; business interruption; loss of income and profits; diminution of  
15 property value; as well as anxiety and emotional distress.

16 Defendant’s negligence, recklessness, and failure to prevent the hazardous and toxic  
17 chemical emergency caused and continues to cause harm to Plaintiffs and the other Class members.  
18 Plaintiffs make the following allegations upon personal knowledge as to Defendant’s acts and/or  
19 omissions, upon information and belief where noted, and upon Plaintiffs’ attorneys’ investigation  
20 as to all other matters:

21 **I. GENERAL ALLEGATIONS**

22 **A. Parties**

23 1. Plaintiff Courtney Carey is a resident of Garden Grove, California and a citizen of  
24 the state of California.

25 2. Plaintiff Robert Carey is a resident of Garden Grove, California and a citizen of the  
26 state of California.

27 3. On May 22, 2026, Plaintiffs Courtney Carey and Robert Carey resided in Garden  
28 Grove, California. Their home is approximately 1.5 miles from Defendant’s Garden Grove,

1 California manufacturing plant, located at 12122 Western Avenue in Garden Grove, California  
2 (“GKN Plant”). Their home is within the area affected by the evacuation orders.

3 4. Plaintiffs Courtney Carey and Robert Carey evacuated their home on May 22, 2026  
4 as a result of the hazardous and toxic chemical emergency at the GKN Plant, together with their  
5 two children and their dog.

6 5. Plaintiffs Courtney Carey and Robert Carey’s children attend Barker Elementary  
7 School, approximately 1.2 miles from the GKN Plant. They were notified on May 22, 2026 that  
8 their children’s school was closed as a result of the hazardous and toxic chemical emergency at  
9 the GKN Plant.

10 6. Plaintiff Jody Carey is a resident of Garden Grove, California and a citizen of the  
11 state of California.

12 7. Plaintiff Christopher Carey is a resident of Garden Grove, California and a citizen  
13 of the state of California.

14 8. On May 22, 2026, Plaintiffs Jody Carey and Christopher Carey resided in Garden  
15 Grove, California. Their home is approximately 1.3 miles from the GKN Plant. Their home is  
16 within the area affected by the evacuation orders.

17 9. Plaintiffs Jody Carey and Christopher Carey evacuated their home on May 22, 2026  
18 as a result of the hazardous and toxic chemical emergency at the GKN Plant, together with their  
19 two children and their dog. They have been incurring hotel costs, among other costs, during the  
20 evacuation.

21 10. Plaintiffs Jody Carey and Christopher Carey’s children attend Pacifica High  
22 School, approximately .75 miles from the GKN Plant. They were notified on May 22, 2026 that  
23 the school campus was closed as a result of the hazardous and toxic chemical emergency at the  
24 GKN Plant.

25 11. Defendant GKN Aerospace Transparency Systems, Inc. (“GKN”) is a California  
26 corporation that, upon information and belief, owns, operates, manages, and/or controls the GKN  
27 Plant, which occupies approximately 15.5 acres. GKN has operated at the site since at least 2003

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1 and designs, analyzes, tests, and certifies military canopies, cockpit windows, and passenger  
2 windows for the aviation industry.

3 12. GKN is a California corporation whose principal place of business is 12122  
4 Western Avenue, Garden Grove, California 92841.

5 **B. Jurisdiction and Venue**

6 13. This action is brought on behalf of Plaintiffs and Class members for real property-  
7 related losses and damages in and around Orange County, California as a result of Defendant's  
8 negligence, recklessness, willful and wanton conduct, and creation of a nuisance in and around  
9 Orange County, California. No claims for personal injury are asserted.

10 14. The principal injuries of Plaintiffs and the other Class members were incurred in  
11 California.

12 15. Plaintiffs' and the other Class members' injuries resulted directly from Defendant's  
13 acts or omissions at and around the GKN Plant.

14 16. Plaintiffs, individually and on behalf of the other Class members, are seeking  
15 significant relief from GKN in the form of injunctive and monetary relief.

16 17. This Court has subject matter jurisdiction over this action pursuant to because the  
17 claims arise under California law. The action is properly classified as an unlimited civil case  
18 because the amount in controversy exceeds \$35,000, exclusive of attorneys' fees, interest, and  
19 costs. *See* California Code of Civil Procedure §§ 85, 89.

20 18. This Court has personal jurisdiction over GKN because GKN is incorporated and  
21 has its principal place of business in California, GKN regularly conducts business in California,  
22 and the wrongful conduct occurred in California. Pursuant to California Code of Civil Procedure  
23 § 410.10, California courts may exercise personal jurisdiction on any basis not inconsistent with  
24 the California or United States Constitutions.

25 19. Venue is proper in this Court pursuant to California Code of Civil Procedure § 395  
26 because a substantial part of the events giving rise to the claims occurred in Orange County,  
27 California, GKN conducts business in Orange County, California, and the GKN Plant is located in  
28 Orange County, California.

1           **C.     Background Facts**

2           20.     The GKN Plant has been operating in Garden Grove, California since 1993.<sup>1</sup>

3           21.     GKN manufactures cockpit windshields, jet canopies, windows and other materials  
4 for commercial and military aircraft.<sup>2</sup>

5           22.     At all relevant times, GKN owned and operated the GKN Facility.

6           23.     Beginning on or about May 21, 2026, a hazardous and toxic chemical emergency  
7 occurred at the GKN Plant involving three large tanks containing methyl methacrylate (“MMA”),  
8 a chemical used to make plastic.

9           24.     MMA is a highly toxic substance that is harmful to human health, causing eye, skin,  
10 and respiratory irritation when inhaled.

11          25.     MMA can also cause neurological symptoms, including headaches, lethargy,  
12 lightheadedness, among other neurological symptoms.

13          26.     Around 3:30 p.m. on May 21, 2026, a toxic leak was reported at the GKN Plant.  
14 After Orange County Fire Authority crews responded to the GKN Plant, it was determined that a  
15 34,000 gallon storage tank was leaking MMA.”<sup>3</sup>

16          27.     Orange County Fire Authority Captain Sean Doran stated “[w]e arrived to a 34,000-  
17 gallon tank containing an industrial chemical that had been overheated inside the vessel.”<sup>4</sup>

18          28.     The emergency escalated significantly overnight when fire crews were unable to  
19 fully stabilize the overheating storage tank. <sup>5</sup>

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22 <sup>1</sup> [https://www.oregister.com/2026/05/23/gkn-aerospace-paid-nearly-1-million-to-settle-2021-](https://www.oregister.com/2026/05/23/gkn-aerospace-paid-nearly-1-million-to-settle-2021-environmental-violations/)  
23 [environmental-violations/](https://www.oregister.com/2026/05/23/gkn-aerospace-paid-nearly-1-million-to-settle-2021-environmental-violations/)

24 <sup>2</sup> [https://www.latimes.com/california/story/2026-05-23/garden-grove-chemical-leak-what-we-](https://www.latimes.com/california/story/2026-05-23/garden-grove-chemical-leak-what-we-know-about-gkn-aerospace)  
25 [know-about-gkn-aerospace](https://www.latimes.com/california/story/2026-05-23/garden-grove-chemical-leak-what-we-know-about-gkn-aerospace)

26 <sup>3</sup> [https://ktla.com/news/orange-county/thousands-evacuated-toxic-chemicals-spew-into-air-](https://ktla.com/news/orange-county/thousands-evacuated-toxic-chemicals-spew-into-air-garden-grove/)  
27 [garden-grove/](https://ktla.com/news/orange-county/thousands-evacuated-toxic-chemicals-spew-into-air-garden-grove/)

28 <sup>4</sup> *Id.*

<sup>5</sup> *Id.*

1           29.     By 6:30 a.m. on Friday, May 22, 2026, evacuation orders had been issued to around  
2 50,000 residents in the area north of Trask Avenue, south of Ball Road, east of Valley View Street  
3 and west of Dale Street.<sup>6</sup>

4           30.     The evacuation order affects residents in six Orange County cities: Garden Grove,  
5 Cypress, Stanton, Anaheim, Buena Park, and Westminster.<sup>7</sup>

6           31.     At least 25 local schools were closed and several roads were closed to limit access  
7 to the area.<sup>8</sup>

8           32.     Since May 21, 2026, emergency crews have been spraying the storage tank with  
9 water in attempts to stabilize the temperatures but have been unsuccessful in stabilizing the  
10 chemicals within the tank.<sup>9</sup>

11          33.     The storage tank reportedly contains approximately 7,000 gallons of MMA  
12 remaining and, due to the escalating temperature and pressure, poses a risk of a massive toxic leak  
13 or catastrophic explosion.

14          34.     Emergency personnel attempted but were unable to gain access to the interior of  
15 the tank to cool or stabilize the chemicals because exterior valves were “gummed up.”

16          35.     At a press conference on May 22, 2026, Orange County Fire Authority Division  
17 Chief Craig Covey stated “[t]his is not precautionary . . . this thing is gonna fail, and we don’t  
18 know when.” He warned that the storage tank could potentially rupture or explode. He further  
19 described potential scenarios, including that the tank could fail or crack, causing product to leak  
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23 <sup>6</sup> *Id.*

24 <sup>7</sup> <https://www.latimes.com/california/live/garden-grove-gas-leak-live-evacuation-maps-closures-and-updates>  
25

26 <sup>8</sup> <https://www.bbc.com/news/articles/c3w21249j8go>;  
27 <https://www.nbclosangeles.com/news/local/garden-grove-chemical-tank-schools-closed/3894457/>

28 <sup>9</sup> <https://www.bbc.com/news/articles/c3w21249j8go>

1 onto the ground, and that efforts were underway to prevent any liquid from entering storm drains,  
2 river channels, and ultimately the oceans; or that the tank could explode.<sup>10</sup>

3 36. On May 23, 2026, California Governor Gavin Newsom declared a state of  
4 emergency in Orange County as a result of the malfunctioning storage tank.<sup>11</sup>

5 37. As of May 23, 2026, evacuation orders remained in place for approximately 50,000  
6 people in portions of six cities: Garden Grove, Stanton, Westminster, Cypress, Buena Park, and  
7 Anaheim.<sup>12</sup>

8 38. The American Red Cross and other organizations have established numerous  
9 shelters and evacuation centers to support residents impacted by the hazardous chemical  
10 emergency, many of which have already reached capacity.<sup>13</sup>

11 39. The GKN Plant has a history of environmental, health, and safety violations.

12 40. For example, publicly available records indicate that the GKN Plant underwent four  
13 CalOSHA inspections since 2018 and received 10 violations, including a violation alleging the  
14 company “failed to ensure that all machinery and equipment in service were inspected or  
15 maintained as recommended by the manufacturer.”<sup>14</sup>

16 41. In 2021, GKN paid nearly \$1 million to the South Coast Air Quality Management  
17 District to settle numerous environmental violations, including operating equipment without a  
18 permit and failing to keep emission records.<sup>15</sup>

19 \_\_\_\_\_  
20 <sup>10</sup> <https://ktla.com/news/orange-county/thousands-evacuated-toxic-chemicals-spew-into-air-garden-grove>

21 <sup>11</sup> <https://www.ocregister.com/2026/05/23/40000-still-evacuated-as-crews-try-to-head-off-possible-chemical-tank-explosion-in-garden-grove/>

22 <sup>12</sup> <https://www.ocregister.com/2026/05/23/40000-still-evacuated-as-crews-try-to-head-off-possible-chemical-tank-explosion-in-garden-grove/>

23 <sup>13</sup> <https://www.redcross.org/local/california/southern-california/about-us/news-and-events/news/red-cross-hazmat-response-updates.html>

24 <sup>14</sup> <https://www.latimes.com/california/story/2026-05-23/garden-grove-chemical-leak-what-we-know-about-gkn-aerospace>

25 <sup>15</sup> <https://www.ocregister.com/2026/05/23/gkn-aerospace-paid-nearly-1-million-to-settle-2021-environmental-violations/>

1           42.     As a direct and proximate result of the hazardous and toxic chemical emergency  
2 and GKN's acts and omissions, Plaintiffs and Class Members suffered and continue to suffer  
3 damages and harm, including but not limited to evacuation and displacement; loss of use and  
4 enjoyment of homes and property; interference with daily activities, out-of-pocket expenses for  
5 relocation, transportation, shelter, food, and child care; business interruption; loss of income and  
6 profits; diminution in property value; and anxiety and emotional distress.

7           43.     At all relevant times, GKN, as the owner, operator, and manager of the GKN Plant  
8 using and storing tens of thousands of gallons of a highly volatile, reactive, and flammable  
9 chemical that is harmful to human health, failed to act with reasonable care to prevent and address  
10 the hazardous and toxic chemical emergency.

11           44.     GKN further acted with malice, oppression or fraud under California Civil Code  
12 § 3294. Upon information and belief, GKN and its employees, including officers, directors, and  
13 managing agents, failed to maintain, inspect, test, repair, monitor, secure, or implement safety  
14 controls on GKN's MMA tanks with knowledge, and in conscious disregard, of the fact that defects  
15 or failures of such tanks could cause a hazardous and toxic chemical emergency including but not  
16 limited to a chemical release or catastrophic explosion into residential areas.

17           45.     At all relevant times, it was foreseeable to Defendant that its failures would  
18 seriously injure Plaintiffs and the other Class members.

19 **II.     CLASS ACTION ALLEGATIONS**

20           46.     Pursuant to California Code of Civil Procedure § 382, California Civil Code Section  
21 1781, and all other applicable laws and rules, Plaintiffs seek to certify and represent a class defined  
22 as:

23           All owners and lessees of real property, who are citizens of California, within the  
24 evacuation zone in Orange County, California established by public officials as a  
25 result of the hazardous and toxic chemical emergency involving the MMA storage  
26 tank at the GKN Plant located at 12122 Western Avenue in Garden Grove,  
27 California, *i.e.*, South of Ball Road, East of Valley View Street, West of Dale Street,  
28 and North of Trask Avenue.

27           47.     Specifically excluded from the Class is Defendant, including any parent,  
28 subsidiary, affiliate, or controlled person of Defendant; Defendant's officers, directors, agents, or

1 employees, the judicial officers assigned to this litigation and any members of their staffs and  
2 immediate families, Court staff assigned to this case, and any juror assigned to this action.

3 48. Plaintiffs reserve the right to amend or modify the Class definition with greater  
4 specificity or division after having had an opportunity to conduct discovery.

5 49. **Numerosity.** Upon information and belief, there are thousands of members of the  
6 Class, making the members of the Class so numerous that joinder of all members is impracticable.  
7 Although the exact number of members of the Class is currently unknown to Plaintiffs, tens of  
8 thousands of people were subject to the evacuation order, and thousands of pieces of real property  
9 were within the mandatory evacuation area. Class members may be identified through objective  
10 means, including objective data available to the Parties regarding the persons and property present  
11 in the affected areas following the fire. Class members may be notified of the pendency of this  
12 action by recognized, Court-approved notice dissemination methods, which may include U.S.  
13 mail, electronic mail, Internet postings, social media and/or published notice. Thus, the large size  
14 of the Class renders the Class so numerous that joinder of all individual members is impracticable.

15 50. **Communities of Interest.** There is a community of interest among the proposed  
16 Class members because there are questions of law and fact common to the Class that relate to and  
17 effect the rights of each member of the Class that will drive the resolution of this action. Common  
18 questions include, but are not limited to the following:

- 19 (a) Whether Defendant engaged in the wrongful conduct alleged herein;
- 20 (b) Whether Defendant caused the hazardous and toxic chemical emergency at  
21 the GKN Plant;
- 22 (c) Whether Defendant violated applicable laws, regulations, and rules  
23 regarding storage of hazardous chemicals;
- 24 (d) Whether Defendants failed to exercise reasonable care to prevent and  
25 address the hazardous and toxic chemical emergency at the GKN Plant;
- 26 (e) Whether Defendant failed to maintain, inspect, test, repair, monitor, secure,  
27 or implement safety controls on GKN's MMA tanks with knowledge, and in conscious disregard,  
28 of the fact that defects or failures of such tanks could cause a hazardous and toxic chemical

1 emergency including but not limited to a chemical release or catastrophic explosion into residential  
2 areas;

3 (f) Whether Defendant engaged in ultrahazardous activities;

4 (g) Whether Defendant were negligent;

5 (h) Whether Defendant acted with malice, oppression or fraud;

6 (i) Whether Defendant created a nuisance;

7 (j) Whether Plaintiffs and the other Class members suffered injury and  
8 damages as a result of Defendant's conduct; and

9 (k) Whether Plaintiffs and the other Class members are entitled to damages,  
10 equitable relief, and other relief.

11 51. **Typicality.** Plaintiffs' claims are typical of the other Class members' claims  
12 because Plaintiffs and the other Class members were damaged as a result of Defendant's conduct  
13 in causing the hazardous and toxic chemical emergency at the GKN Plant. Plaintiffs and other  
14 Class members suffered damages as a direct and proximate result of the same wrongful conduct in  
15 which Defendant engaged. Plaintiffs' claims arise from the same practices and course of conduct  
16 that give rise to the other Class members' claims.

17 52. **Adequacy.** Plaintiffs can and will adequately represent the other Class members  
18 and their interests are common to and coincident with them. By proving their individual claims,  
19 Plaintiffs will necessarily prove the other Class members' claims and prove Defendant's class wide  
20 liability. Plaintiffs have no known conflicts of interest with any of the other Class members, their  
21 interests and claims are not antagonistic to those of any other Class member, nor are their claims  
22 subject to any unique defenses.

23 53. Moreover, Plaintiffs' claims are typical of the claims of all other Class members  
24 because all such claims arise from Defendant's conduct as alleged herein.

25 54. Plaintiffs and the other Class members' legal claims arise from the same single  
26 event, namely, the hazardous and toxic chemical emergency at the GKN Plant and the resulting  
27 evacuation orders. The material facts underlying each Class member's claim are the same material  
28

1 facts as those supporting Plaintiffs' claims alleged herein and require proof of the same material  
2 facts.

3 55. Plaintiffs, therefore, can and will fairly and adequately protect and represent the  
4 other Class members' interests.

5 56. Plaintiffs' counsel—Miner, Barnhill & Galland, P.C., DiCello Levitt LLP, and  
6 Collins Law Group, P.C.—have extensive experience in environmental and toxic tort litigation  
7 and class actions and have adequate financial resources to prosecute this case and ensure that the  
8 interests of the Class will be adequately represented.

9 57. If appointed as Class representatives, Plaintiffs are aware of, and are committed to,  
10 faithfully upholding their fiduciary duties to absent Class members.

11 58. Plaintiffs and Plaintiffs' counsel are committed to the vigorous prosecution of this  
12 action and will allocate the appropriate time and resources to ensure that the Class is fairly and  
13 adequately represented.

14 59. Plaintiffs and Plaintiffs' counsel will, therefore, fairly and adequately assert and  
15 protect the interests of the Class.

16 60. **Superiority.** A class action is superior to any other available means for the fair and  
17 efficient adjudication of this controversy, and no unusual difficulties are likely to be encountered  
18 in the management of this class action. The damages or other financial detriment suffered by  
19 Plaintiffs and the other Class members are relatively small compared to the burden and expense  
20 that would be required to individually litigate their claims against Defendant, so it would be  
21 impracticable for the Class members to individually seek redress for Defendant's wrongful  
22 conduct. Even if the Class members could afford litigation the court system could not.  
23 Individualized litigation creates potential for inconsistent or contradictory judgments and increases  
24 the delay and expense to all parties and the court system. By contrast, the class action device  
25 presents far fewer management difficulties, and provides the benefits of single adjudication,  
26 economy of scale, and comprehensive supervision by a single court.

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1 **III. CLAIMS ALLEGED**

2 **COUNT I**  
3 **Negligence**

4 61. Plaintiffs adopt and incorporate paragraphs 1 through 45 above as though fully set  
5 forth herein.

6 62. Defendant knew or should have known of the risk of a potential chemical leak and  
7 hazardous chemical reaction in the tanks storing MMA at the GKN Plant.

8 63. Defendant knew or should have known that an uncontrollable increase in the  
9 temperature inside any of the tanks storing MMA at the GKN Plant would create a risk of leak or  
10 catastrophic fire and explosion and that such risk would cause: (1) public health officials to take  
11 precautionary actions to protect the public, including but not limited to ordering mandatory  
12 evacuation of members of the neighboring communities; and (2) damages to such persons.

13 64. Defendants had a duty to Plaintiffs and the other Class members to exercise  
14 reasonable care to prevent the foreseeable harm to them, including but not limited to, interference  
15 with the use and enjoyment of their properties, lost income, lost profits, diminution of the value of  
16 their properties, anxiety, and emotional distress.

17 65. Defendants had a duty to operate and maintain the equipment at the GKN Plant,  
18 including the MMA storage tanks, in a way that would not expose surrounding community  
19 members to the risk of a chemical leak or catastrophic fire and explosion.

20 66. Defendant breached the duties that it owed to Plaintiffs and each of the other Class  
21 members, to exercise reasonable care by, among other ways:

- 22 a. Choosing not to take sufficient precautions to prevent a  
23 hazardous chemical emergency at the GKN Plant; and  
24 b. Choosing not to take sufficient precautions to prevent a  
25 potentially catastrophic chemical leak and explosion.

26 67. As a direct and proximate cause of one or more of the aforementioned negligent  
27 acts or omissions and breach of Defendant's duties, Plaintiffs and the other Class members suffered  
28 loss of use and enjoyment of their properties; interference with daily activities; out-of-pocket

1 expenses for relocation, transportation, shelter, food, and child care; business interruption; loss of  
2 income and profits; diminution of property value; as well as anxiety and emotional distress.

3 68. As a direct and proximate result of one or more of the aforementioned negligent  
4 acts or omissions and breach of Defendant's duties, Plaintiffs and the other Class members have  
5 incurred, and will continue to incur, loss of use and enjoyment of their properties; interference  
6 with daily activities; out-of-pocket expenses for relocation, transportation, shelter, food, and child  
7 care; business interruption; loss of income and profits; diminution of property value; as well as  
8 anxiety and emotional distress.

9 69. GKN further acted with malice, oppression or fraud under California Civil Code  
10 § 3294, thereby entitling Plaintiffs and the Class to punitive damages.

11 **COUNT II**  
12 **Private Nuisance**

13 70. Plaintiffs adopt and incorporate paragraphs 1 through 45 above as though fully set  
14 forth herein.

15 71. At all relevant times, GKN owned, operated, controlled, and managed the GKN  
16 Plant, including the storage and handling of MMA and other hazardous chemicals. GKN's  
17 negligent acts and omissions led directly to the hazardous and toxic chemical emergency at the  
18 GKN Plant, as described above.

19 72. The hazardous and toxic chemical emergency has resulted in widespread  
20 evacuation orders and other road closures and safety warnings, which has led to substantial and  
21 continuing disruption to neighborhoods in the communities of Garden Grove, Stanton, Cypress,  
22 Anaheim, Buena Park, Westminster, and nearby areas.

23 73. The hazardous and toxic chemical emergency at the GKN Plant was and continues  
24 to be injurious to health, indecent and offensive to the senses, and an obstruction to the free use of  
25 property. It would be deeply offensive and inconvenient to any reasonable person.

26 74. The hazardous and toxic chemical emergency, including the evacuation orders and  
27 other disruptions it caused, constitutes a substantial and unreasonable interference with the  
28 Plaintiffs' and other Class members' use and enjoyment of land. As a direct and proximate result

1 of the emergency, Plaintiffs and the other Class members have been unable to comfortably enjoy  
2 their life and property.

3 75. In addition, the hazardous and toxic chemical emergency has obstructed the free  
4 passage or use of parks, squares, streets, and highways, and Plaintiffs and other Class members  
5 have been unable to make use of them.

6 76. As a direct and proximate result of the hazardous and toxic chemical emergency,  
7 Plaintiffs and the other Class members have incurred, and will continue to incur, monetary  
8 damages arising from loss of use and enjoyment of their properties; interference with daily  
9 activities; out-of-pocket expenses for relocation, transportation, shelter, food, and child care;  
10 business interruption; loss of income and profits; diminution of property value; as well as anxiety  
11 and emotional distress.

12 77. GKN further acted with malice, oppression or fraud under California Civil Code  
13 § 3294, thereby entitling Plaintiffs and the Class to punitive damages.

14 **COUNT III**  
15 **Public Nuisance**

16 78. Plaintiffs adopt and incorporate paragraphs 1 through 45 above as though fully set  
17 forth herein.

18 79. At all relevant times, Defendants owned, operated, controlled, and managed the  
19 GKN Plant, including the storage and handling of MMA and other hazardous chemicals.  
20 Defendants' negligent acts and omissions led directly to the hazardous and toxic chemical  
21 emergency at the GKN Plant, as described above.

22 80. The hazardous and toxic chemical emergency has resulted in widespread  
23 evacuation orders and other road closures and safety warnings, which has led to substantial and  
24 continuing disruption to neighborhoods in the communities of Garden Grove, Stanton, Cypress,  
25 Anaheim, Buena Park, Westminster, and nearby areas.

26 81. The hazardous and toxic chemical emergency at the GKN Plant was and continues  
27 to be injurious to health, indecent and offensive to the senses, and an obstruction to the free use of  
28 property. It would be deeply offensive and inconvenient to any reasonable person.

1           82.     The emergency, including the evacuation orders and other disruptions it caused,  
2 constitutes a substantial and unreasonable interference with the Plaintiffs' and other Class  
3 members' use and enjoyment of land. As a direct and proximate result of the emergency, Plaintiffs  
4 and the other Class members have been unable to comfortably enjoy their life and property.

5           83.     In addition, the emergency has obstructed the free passage or use of parks, squares,  
6 streets, and highways, and Plaintiffs and other Class members have been unable to make use of  
7 them.

8           84.     The nuisance is affecting at the same time a large area including parts of at least six  
9 cities and tens of thousands of residents.

10          85.     The hazardous and toxic chemical emergency substantially and unreasonably  
11 interfered with rights common to the general public, including public health, public safety, public  
12 comfort, public convenience, and the use of public property throughout evacuation area.

13          86.     As a direct and proximate result of the hazardous and toxic chemical emergency,  
14 Plaintiffs and the other Class members have incurred, and will continue to incur, monetary  
15 damages arising from the loss of use and enjoyment of their properties; interference with daily  
16 activities; out-of-pocket expenses for relocation, transportation, shelter, food, and child care;  
17 business interruption; loss of income and profits; diminution of property value; as well as anxiety  
18 and emotional distress.

19          87.     GKN further acted with malice, oppression or fraud under California Civil Code  
20 § 3294, thereby entitling Plaintiffs and the Class to punitive damages.

21 **IV.    REQUEST FOR RELIEF**

22           WHEREFORE, Plaintiffs, individually and on behalf of the other Class members,  
23 respectfully request that this Court:

24           A.     Certify this lawsuit as a class action, that Plaintiffs be designated as class  
25 representatives of the Class, and that Plaintiffs' counsel be appointed as counsel for the Class;

26           B.     Issue a class-wide judgment holding Defendant liable for the reasons described  
27 above for their unlawful conduct causing Plaintiffs and the other Class members to sustain  
28 damages resulting therefrom;

1 C. Enter a judgment declaring that Defendant has committed the violations of law  
2 alleged herein;

3 D. Award Plaintiff and the other Class members compensatory damages in an amount  
4 that is fair, just, and reasonable, to be determined at trial;

5 E. Award Plaintiff and the other Class members punitive damages in an amount that  
6 is fair, just, and reasonable, to be determined at trial;

7 F. Award pre-judgment and post-judgment interest to Plaintiffs and the other Class  
8 members as permitted by law;

9 G. Award reasonable attorneys' fees and costs of suit; and

10 H. Any such other relief as authorized by law.

11 **V. JURY DEMAND**

12 Plaintiffs, individually and on behalf of the other proposed Class members, demands a trial  
13 by jury on all issues herein so triable.

14 DATED: May 25, 2026

15 *s/ Deanna N. Pihos*  
16 \_\_\_\_\_  
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