

STATE OF INDIANA) IN THE HUNTINGTON SUPERIOR COURT
) SS:
COUNTY OF HUNTINGTON) CAUSE NO. 35D-01-2006-CT-000338

EDMOND ASHER, *et al.*,)
)
Plaintiffs,)
)
vs.)
)
RAYTHEON TECHNOLOGIES)
CORPORATION f/k/a United)
Technologies Corporation, LEAR)
CORPORATION EEDS AND)
INTERIORS, LLC as successor to United)
Technologies Automotive, Inc.,)
ANDREWS DAIRY STORE, INC., L.D.)
WILLIAMS, INC., CP PRODUCT, LLC,)
as successor to Preferred Technical Group,)
Inc., and LDW Development, LLC)
)
Defendants.)

**PLAINTIFF TOWN OF ANDREWS, INDIANA’S VERIFIED EMERGENCY
MOTION FOR PRELIMINARY INJUNCTION**

The Town of Andrews, Indiana (“Town”), pursuant to Indiana Trial Rule of Procedure 65(A), respectfully requests that the Court enter, on an emergency basis, a preliminary injunction requiring Defendants Raytheon Technologies Corporation (“Raytheon”), formerly known as United Technologies Corporation (“UTC”), Lear Corporation Eeds and Interiors (“Lear”) and CP Product Group, LLC (“CPG”) (collectively, “Raytheon Defendants”) to take immediate steps to remove their

dangerous chemicals from the Town's drinking water. In support of its Motion, the Town states:

1. The following facts, from Plaintiffs' Complaint for Damages and Injunctive Relief (set forth more fully in the accompanying Brief in Support of Emergency Motion for Preliminary Injunction), demonstrate that the Town has a reasonable likelihood of success on the merits for its claim for injunctive relief.
2. The Town has three municipal wells which it can use to supply the public with drinking water.
3. The Raytheon Defendants contaminated the groundwater aquifer that supplies water to the municipal wells by dumping and spilling hazardous chemicals at the factory they operated in the Town.
4. As a result of the Raytheon Defendants' conduct, all three of the Town's municipal wells have been contaminated, and one well (as discussed below) has evidenced increasing levels of vinyl chloride.
5. Vinyl chloride is a known human carcinogen.
6. Because vinyl chloride causes cancer, the United States Environmental Protection Agency has set a limit, called the maximum contaminate level ("MCL") on how much vinyl chloride is allowable in drinking water.
7. The MCL for vinyl chloride is just 2 parts per billion ("ppb").
8. In the mid 1990's, the Raytheon Defendants installed equipment, called an

air stripper, to remove their contamination from the Town's drinking water. However, the air stripper has proven unreliable and recently has had a number of problems.

9. When the air stripper is not working properly, contamination from the municipal wells can get into the public drinking water supply.

10. In 2012, that Town received several complaints from the residents about the odor and taste of the drinking water.

11. In response to the complaints, the Town shut off its wellhead #1 ("WH 1") and stopped using it, relying on just wellheads #2 and #3 ("WH 2" and "WH 3") to meet the Town's drinking water needs.

12. Since 2012, the vinyl chloride levels in WH 1 have steadily increased climbing as high as 26 ppb—*more than ten times the MCL*—during the most recent sampling event. WH 2 and WH 3 have also contained vinyl chloride, but the levels are much lower.

13. Unfortunately, in early May, 2020, WH 2 and WH 3 lost production capacity and are no longer able to pump enough water to meet the Town's needs. Therefore, the Town had to start using WH 1 again.

14. Because WH 1 is heavily contaminated, this puts the public at a great risk since the only thing protecting the drinking water from vinyl chloride contamination is the air stripping system, which is approximately 25 years old and has been having mechanical problems.

15. This is an emergency situation.

16. Beginning on June 6, 2020, the air stripper had major problems with its flow rate that caused the Town's water equipment to malfunction. The problems started on Friday night, and continued through Wednesday, June 10, 2020. The Raytheon Defendants failed to even inform the Town the air stripper was not working properly, and during the time it was malfunctioning, contaminated water was potentially distributed through the public water system.

17. The air stripper has had numerous problems in the past, and is not reliable to safeguard the public from the vinyl chloride contamination in the municipal wells.

18. A preliminary injunction is necessary to eliminate this serious threat to human health and the Town's public water supply, and there is no adequate remedy at law.

19. The threatened injuries to residents within the Town and to the public water supply greatly outweigh any potential cost to Raytheon Defendants for ensuring that their chemicals do not enter the drinking water supplied to the town.

20. The public interest would not be disserved by the injunctive relief requested. To the contrary, the protection of the safety of the public drinking water is of paramount public interest.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order that:

(1) requires the Raytheon Defendants to immediately supply bottled water to the residents of the Town for drinking, cooking and bathing; (2) requires the Raytheon Defendants to install new municipal wells that are vertically or horizontally separated from the groundwater contaminant plume; (3) requires the Raytheon Defendants to make improvements and upgrades to the air stripping system as identified in the Expert Affidavit of Dr. James Wells; and (4) provides all other appropriate relief that is just and proper.

Respectfully submitted,

/s/ Thomas A. Barnard

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 19, 2020, a copy of the foregoing was electronically filed with the Clerk of Court using Odyssey Efile, and that a copy of the foregoing was mailed by U.S. mail, certified and postage pre-paid, to:

Raytheon Technologies Corp.
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

L.D. Williams, Inc.
c/o Richard Delaney
533 Warren St.
Huntington, IN 46750

Lear Corporation Eeds and Interiors, LLC
c/o C T Corporation System
334 N. Senate Ave.
Indianapolis, IN 46204

LDW Development LLC
c/o Richard Delaney
533 Warren St.
Huntington, IN 46750

CP Product, LLC
c/o C T Corporation System
4701 Cox Rd.
Suite 285
Glen Allen, VA 23060

Andrews Dairy Store, Inc.
c/o Michael Burton
138 Snowden Street
Andrews, IN 46702

/s/ Thomas A. Barnard