

2025CA46660

NOV 13, 2025 02:34 PM

Kim Windle James

Kim Windle James, Clerk
Chattooga County, Georgia

IN THE STATE COURT OF CHATTOOGA COUNTY
STATE OF GEORGIA

THE TOWN OF LYERLY, GEORGIA,)

Plaintiff,)

vs.)

Case Number: _____

3M COMPANY; DAIKIN AMERICA,)

INC., E.I. DUPONT DE NEMOURS AND)

COMPANY; DUPONT DE NEMOURS,)

INC.; CORTEVA, INC.; EIDP, INC.)

THE CHEMOURS COMPANY;)

THE CHEMOURS COMPANY FC, LLC;)

MOHAWK INDUSTRIES, INC;)

MOHAWK CARPET, LLC.; ALADDIN)

MANUFACTURING CORPORATION;)

TRY-CON TUFTERS, INC.)

Defendants.)

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS ALADDIN
MANUFACTURING CORPORATION, MOHAWK CARPET, LLC, and
MOHAWK INDUSTRIES, INC.**

COMES NOW, Plaintiff, The Town of Lyerly, Georgia and propounds its First Set of Interrogatories, separately and severally, to Defendants Aladdin Manufacturing Corporation, Mohawk Carpet, LLC, and Mohawk Industries, Inc., Plaintiff makes the following requests:

INSTRUCTIONS

1. Unless otherwise indicated, these requests refer to the time, place and circumstances of the claims set forth in the Complaint.

2. If, in answering these requests, you perceive any ambiguities in a request, instruction, or definition, set forth the matter deemed ambiguous, and the construction used in answering.

3. If any response claims application of privilege or confidentiality, state the factual basis for such claim, identify all parties to communications allegedly thereto, and identify the current or last known custodian of each document concerning, referring, or relating to such communication.

4. Where appropriate, you are to construe all references to the singular as including the plural, all references to the masculine as including the feminine or neuter, all references to the disjunctive as including the conjunctive, and vice versa.

5. If any documents requested are unavailable or have been destroyed, list each document and when and why it was destroyed or why it is unavailable.

6. If any documents requested are unavailable or have been destroyed, identify all persons who have had personal knowledge of those documents.

7. If you claim any documents requested are outside of your possession, control and custody, state why such documents are beyond your possession, control and custody, and the current and/or last known location of said documents.

ESI INSTRUCTIONS

1. Format of Production: The document production will be either as (1) text-searchable images or (2) static TIFF images with an accompanying load file containing the extracted text from those images, to the extent either format is feasible for the information sought to be produced. The electronically stored information may need to be produced in native format to allow that information to be processed in a reasonable manner.

2. Searchable Text: Subject to appropriate redaction, each image produced shall reasonably convey the text of the original document. The content of each document will be extracted from the original file or created by optical character recognition (OCR) or other suitable

method to a searchable text file produced with the corresponding page image(s). All documents that have text that is not searchable must be OCR'd and indexed prior to searching. If a Defendant's Discoverable Information presents significant imaging or formatting challenges, the Party will identify the problem(s) in writing and the Parties will meet and confer in an attempt to resolve the issue.

3. Numbering/Endorsement: All produced Discoverable Information will have a unique production number assigned, regardless of the format of the Discoverable Information. For Discoverable Information produced as text searchable images or in TIFF image format, each image will have a legible, unique page identifier ("Bates Number") electronically "burned" onto the image at a location that does not obliterate or obscure any information from the source document. The Bates Numbers should also be produced as part of the metadata. The producing Defendant should be consistent in the Bates Number prefixes it uses across its productions.

4. Encrypted Files: The producing Defendant shall take reasonable efforts to ensure that all encrypted files are decrypted prior to processing, search and production.

5. Metadata Fields: When associated with any ESI produced, each document shall be provided as follows: BEGBATES, ENDBATES, BEGATTACH, ENDATTACH, PAGECOUNT, Document Date (includes date and time), File Type, Document Title or Email Subject, Author or Sender, To, Cc, Bcc, Custodian, Duplicate Custodian(s), Thread ID, Source/Original Filepath, Date Created (Date & Time) and Date Last Modified (Date & Time).

DEFINITIONS

“Correspondence” refers to any oral, electronic or written communication, discussion, inquiry, inspection, visit, or request.

“Document” or “Documents” refers to anything contemplated by the Georgia Civil Practice Act, and includes all media by which information or data may be stored or obtained, including, without limitation, books, pamphlets, notes, letters, correspondence, diaries, telegrams, reports, pictures, recordings, memoranda, records, studies, extracts, working papers, charts, papers, indices, tapes, data sheets or cards, minutes, transcriptions, computer disks, diskettes, e-mail or other electronic media, and any other written, printed, reported, transcribed, punched, taped or typed materials, movies or other photographic matter, however produced or reproduced, and all mechanical or electronic sound records or transcripts thereof, in your possession, custody or control.

“EPA” refers to the United States Environmental Protection Agency and any of its agents or employees.

“GDNR” refers to the Georgia Department of Natural Resources and any of its agents or employees.

“GEPD” refers to the Georgia Environmental Protection Division and any of its agents or employees.

“Person” or “Entity” refers to any entity of any description, including, but not limited to, a natural person, corporation, partnership, other business association or entity, government, governmental body, commission, board, or agency.

“Plaintiff” refers to the Plaintiff, The Town of Lyerly, Georgia.

“PFAS” refers to any and all perfluorochemicals, polyfluorochemicals, perfluoroalkyl substances, polyfluoroalkyl substances, related chemicals that degrade to PFAS/PFOA/PFOS, and any precursors to PFAS/PFOA/PFOS, including, but not limited to, PFOA, PFOS, GenX, HFPO-DA, NEtFOSAA, NMeFOSAA, PFBS, PFDA, PFDaA, PFHpA, PFHxS, PFNA, PFTTrDA, PFTA,

PFUnA, 11Cl0PF3OUdS, 9Cl-PF3ONS, ADONA, PFPeS, PFHpS, 4:2 FTS (1H, 1H, 2H, 2H,-perfluorohexane sulfonic acid), 6:2 FTS (1H, 1H, 2H, 2H,-perfluorohexane sulfonic acid), 8:2 FTS (1H, 1H, 2H, 2H,-perfluorohexane sulfonic acid), PFBA, PFPeA, PFMBA, PFMPA, PFEESA, and NFDHA.

“PFAS-Containing Product” refers to any of Your products and/or chemicals that contain any amount of PFAS, whether the PFAS was intentionally or unintentionally included and regardless of whether You claim the PFAS is an “unintended byproduct,” an “impurity” or otherwise. This includes, but is not limited to, products made, manufactured, sold, purchased, formulated or otherwise used by You.

“You,” “Your,” “Defendant” and “Defendants” refer to the individual or entity, corporate or otherwise, to which this document is addressed, as well as its agents, heirs, relatives, employees, contractors, servants, representatives, subrogors, subrogees, and, unless privileged, attorneys.

INTERROGATORIES

1. State the name, address, job title and duties of the person(s) answering, aiding, or who was consulted or supplied information upon which answers to these interrogatories are based and state the place where these interrogatories are answered.

2. State the name of each PFAS and/or PFAS-Containing Product, and the name of the manufacturer of each PFAS and/or PFAS-Containing Product, used in Your manufacturing facilities in or around Chattooga County, Georgia, and identify the type of products that You manufactured using these PFAS and/or PFAS-Containing Products.

3. Identify the inclusive dates during which any PFAS and/or PFAS-Containing Products identified in Your response to the previous Interrogatory were used in Your

manufacturing processes, as well as the name and address of each facility where the PFAS and/or PFAS-Containing Product was used.

4. Identify each manufacturing facility currently or formerly owned or operated by You in or around Chattooga County, Georgia, which PFAS and/or PFAS-Containing Products were used, and the inclusive dates during which PFAS and/or PFAS-Containing Products were used at each facility, as well as when each facility was in operation.

5. With regard to any facility identified in response to the previous Interrogatory, state the name of each PFAS and/or PFAS-Containing Product utilized at that facility and list the inclusive dates during which each PFAS and/or PFAS-Containing Product was used.

6. With regard to any facility identified in response to Interrogatory #4, state in detail:

- (a) the location where Your wastewater is discharged, including but not limited to an impoundment, landfill, wastewater facility, body of water, or otherwise;
- (b) whether wastewater resulting from Your manufacturing process was pre-treated prior to disposal or discharge and describe in detail any such process used to pre-treat wastewater at each facility; and
- (c) whether wastewater resulting from Your manufacturing process was treated for PFAS prior to disposal or discharge and describe in detail any such process used to treat and/or filter out PFAS in Your wastewater at each facility.

7. With regard to any facility identified in response to Interrogatory #4, identify any and all permits or regulations related to Your wastewater and/or wastewater discharges, including but not limited to industrial user permits, NPDES permits and/or other federal, state and/or local regulatory permits.

8. With regard to any facility identified in response to Interrogatory #4, state whether You have entered into any contract or other agreement with any wastewater treatment system provider and/or other entity to pre-treat, treat, or haul your industrial wastewater, and, if so, identify the entity and the timeframe that the entity pre-treated, treated and/or hauled your industrial wastewater.

9. State whether any waste and/or wastewater from any of Your manufacturing facilities in or around Chattooga County, Georgia has been discharged to the environment in any manner, describing with specificity and detail the nature and extent of any such discharge(s).

10. Identify any entity not named as a party to this action that has caused or contributed to causing PFAS to enter the Conasauga Aquifer and/or the Railroad Well in Chattooga County, Georgia.

11. For any entity identified in the previous Interrogatory, give a detailed explanation as to:

- (a) how the entity caused or contributed to causing PFAS to enter the Conasauga Aquifer and/or Railroad Well in Chattooga County, Georgia; and
- (b) why you contend or believe the entity caused or contributed to causing PFAS to enter the Conasauga Aquifer and/or Railroad Well in Chattooga County, Georgia.

12. For any entity identified in the previous two Interrogatories, identify any and all evidence You have to support Your explanations and/or contentions.

13. State whether you are aware that the use of PFAS and/or PFAS-Containing Products, and/or certain stain/soil resistance products in your manufacturing process may have resulted in the presence of PFAS in the Conasauga Aquifer and/or Railroad Well.

14. If You answered the previous Interrogatory in the affirmative, state when you gained this awareness and identify any documents evidencing this awareness in specific detail.

15. State with specificity any and all action or activity you have undertaken to reduce the use of any PFAS in your manufacturing process(es), when those actions or activities were undertaken, and your reason(s) for undertaking those actions or activities.

16. State with specificity all knowledge You have regarding any investigation by any governmental agency (including, but not limited to, EPA, GEPA and/or GDNR) regarding PFAS used and/or utilized by You.

17. Identify the person(s) at Your company who was responsible for purchasing PFAS and/or PFAS-Containing Products for the Lyerly Plant.

18. Identify the person(s) responsible for overseeing the use and/or utilization of PFAS and/or PFAS-Containing Products at the Lyerly Plant.

19. Identify the person(s) at Your company responsible for environmental compliance at the Lyerly Plant.

20. Identify all efforts any manufacturer and/or supplier of PFAS and/or PFAS-Containing Products made to warn you about the dangers of the PFAS and/or PFAS-Containing Products, including the dates of these efforts and/or communications and the identification of specific documents evidencing these efforts and/or communications.

21. Identify all efforts any manufacturer and/or supplier of PFAS and/or PFAS-Containing Products made to instruct you about the use and/or disposal of the PFAS and/or PFAS-Containing Products, including the dates of these efforts and/or communications and the identification of specific documents evidencing these efforts and/or communications.

22. Identify the entity/entities that provide(d) You with water for your manufacturing process(es) in Chattooga County, Georgia, from 1993-present, and the volumes of water utilized by You at each facility in Chattooga County, Georgia.

23. Identify (by name, address, phone number, employer, and title) all experts whom you expect to call as an expert witness(es) at the trial of this lawsuit. With regard to each such expert, state in detail the following:

- (a) The subject matter upon which the expert is expected to testify;
- (b) The substance of the facts and opinions to which the expert is expected to testify;
- (c) A detailed summary of the grounds of each opinion set forth in subparagraph (b);
- (d) The expert's qualifications; and
- (e) The documents on which the expert is expected to rely.

24. Identify (by name, address, phone number, employer, and title) each person with knowledge or information regarding the allegations in the Complaint and/or your defenses in this action.

This 3rd day of July, 2024.

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Defendants.)

RULE 5.2 CERTIFICATE OF SERVICE OF DISCOVERY

I hereby certify that on July 3, 2024, I served a copy of PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS ALADDIN MANUFACTURING CORPORATION, MOHAWK CARPET, LLC, and MOHAWK INDUSTRIES, INC., via eService using the PeachCourt eFile system.

This 3rd day of July, 2024.

DAVIS LUCAS CARTER LLP

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Phone: 706-842-7555
adavis@davislucascarter.com

/s/ J. Anderson Davis
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