

2025CA46660

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*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**  
**3M COMPANY, DAIKIN AMERICA, INC., E.I. DUPONT DE NEMOURS AND**  
**COMPANY, DUPONT DE NEMOURS, INC. CORTEVA, INC., EIDP, INC.,**  
**THE CHEMOURS COMPANY, AND THE CHEMOURS COMPANY FC, LLC**

COMES NOW, Plaintiff, The Town of Lyerly, Georgia, and propounds its First Set of Interrogatories, separately and severally, on Defendants 3M Company, Daikin America, Inc., E.I. DuPont de Nemours and Company, Dupont de Nemours, Inc., Corteva, Inc., EIDP, Inc., The Chemours Company and The Chemours Company FC, LLC. 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, PFDoA, 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 each and every 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 inclusive dates during which you have sold or delivered PFAS and/or PFAS-Containing Products to persons, entities and/or manufacturing facilities located in or around Chattooga County, Georgia, including but not limited to:

- a. Any Defendant in this case;
- b. Fieldcrest Cannon, Inc. (including subsidiaries and/or predecessors); and
- c. Bigelow-Sanford, Inc. (including subsidiaries and/or predecessors).

3. State the inclusive dates that you have maintained sales or distribution offices in or around Chattooga County, Georgia, including any and all offices that were responsible for or sold to entities in Chattooga County, Georgia.

4. Identify each Defendant named in the Complaint in this matter to whom this Defendant has sold, provided or supplied PFAS and/or PFAS-Containing Products.

5. For each Defendant identified in the immediately preceding interrogatory, identify:

- (a) the name and type of PFAS and/or PFAS-Containing Product sold (including a detailed breakdown of the chemical makeup and/or structure of each PFAS and/or PFAS-Containing Product);
- (b) the dates the PFAS and/or PFAS-Containing Products were sold;
- (c) the volume or other measure of the amount of PFAS and/or PFAS-Containing Products sold on each date identified;
- (d) the purpose for which the PFAS and/or PFAS-Containing Products were to be used;
- (e) where the PFAS and/or PFAS-Containing Products were delivered on each date identified;
- (f) all efforts you made to warn each such Defendant about the dangers of the PFAS and/or PFAS-Containing Products; and
- (g) all efforts you made to instruct each such Defendant about the use and/or disposal of the PFAS and/or PFAS-Containing Products.

6. State the name and address of each person, entity and/or manufacturing facility located in or around Chattooga County, Georgia, to which you have sold, provided or supplied PFAS and/or PFAS-Containing Products.

7. For every person, entity and/or manufacturing facility identified in the immediately preceding interrogatory, identify:

- (a) the name and type of PFC and/or Chemical Product sold, provided or supplied (including a detailed breakdown of the chemical makeup and/or structure of each PFC and/or Chemical Product);
- (b) the dates the PFAS and/or PFAS-Containing Products were sold, provided or supplied;
- (c) the volume or other measure of the amount of PFAS and/or PFAS-Containing Products sold, provided or supplied on each date identified;
- (d) the purpose for which the products were to be used;
- (e) where the PFAS and/or PFAS-Containing Products were delivered on each date identified;
- (f) all efforts you made to warn each such person, entity and/or manufacturing facility about the dangers of the PFAS and/or PFAS-Containing Products; and
- (g) all efforts you made to instruct each such person, entity and/or manufacturing facility about the use and/or disposal of the PFAS and/or PFAS-Containing Products.

8. Identify any and all investigations, studies, experiments or other research you have conducted related to the health effects, consequences and/or risks associated with PFAS and/or PFAS-Containing Products.

9. Identify any and all investigations, studies, experiments or other research you have conducted related to the environmental persistence of PFAS, the bioaccumulative nature of PFAS and/or the toxicity of PFAS.

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. 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.

14. 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 3<sup>rd</sup> day of July, 2024.

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/s/ J. Anderson Davis  
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/s/ Matt Conn  
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LEE PATTERSON  
MADISON GITSCHIER  
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**Counsel for Plaintiff**  
*(Pro Hac Vice Forthcoming)*

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TRY-CON TUFTERS, INC. )

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 3M COMPANY, DAIKIN AMERICA, INC., E.I. DUPONT DE NEMOURS AND COMPANY, DUPONT DE NEMOURS, INC. CORTEVA, INC., EIDP, INC., THE CHEMOURS COMPANY, AND THE CHEMOURS COMPANY FC, LLC, via eService using the PeachCourt eFile system.

This 3<sup>rd</sup> day of July, 2024.

**DAVIS LUCAS CARTER LLP**

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