

2025CA40060

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Kim Windle James

Kim Windle James, Clerk
Chattooga County, Georgia

IN THE SUPERIOR COURT OF CHATTOOGA COUNTY
STATE OF GEORGIA

THE TOWN OF LYERLY, GEORGIA,

Plaintiff,

v.

3M COMPANY; DAIKIN AMERICA,
INC.; E.I. DU PONT 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.

CIVIL ACTION NO. 24SCA4052

**DEFENDANT 3M COMPANY'S ANSWER AND AFFIRMATIVE AND
OTHER DEFENSES**

Defendant 3M Company ("3M" or "Defendant") submits this Answer and Affirmative and Other Defenses to the Complaint filed by Plaintiff Town of Lyerly ("Plaintiff"). 3M denies each and every allegation contained in the Complaint except as may be hereinafter admitted, qualified, or explained, and states and alleges as follows:

To the extent any allegations in the Complaint relate to the health effects of per- and polyfluoroalkyl substances ("PFAS"), 3M denies each and every one of

those allegations on the basis that a causal connection has not been established between exposure to any PFAS at levels typically found in the environment and any human health effects.

STATEMENT OF THE CASE

1. 3M denies the allegations contained in Paragraph 1 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 1.

2. 3M admits that it has, at times, sold certain PFAS-containing products to certain customers. 3M further admits that PFAS have been used by manufacturers in numerous industries. 3M denies the remaining allegations contained in Paragraph 2 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 2.

3. 3M admits that certain PFAS may persist in the environment and resist degradation. 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects. 3M denies the remaining allegations contained in Paragraph 3 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 3.

4. 3M admits that certain PFAS may persist in the environment and resist degradation. 3M denies the remaining allegations contained in Paragraph 3.

5. 3M admits that humans may be exposed to PFAS through drinking water. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 5.

6. Paragraph 6 of the Complaint purports to refer to an EPA finding. Any such EPA finding speaks for itself, and 3M denies any characterization of such findings or drinking water standards by Plaintiff. 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects. 3M denies the remaining allegations contained in Paragraph 6, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony.

7. 3M denies the allegations contained in Paragraph 7 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 7 as they pertain to the other defendants.

8. 3M admits that it has, at times, sold certain PFAS-containing products to certain customers, including in the State of Georgia. 3M denies the remaining allegations contained in Paragraph 8 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 8 as they pertain to the other defendants.

9. 3M admits that it has, at times, sold certain PFAS-containing products to certain customers. 3M denies the remaining allegations contained in Paragraph 9 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 9 as they pertain to the other defendants.

10. 3M denies the allegations contained in Paragraph 10 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 10 as they pertain to the other defendants.

11. 3M denies the allegations contained in Paragraph 11 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 11 as they pertain to the other defendants.

12. 3M denies the allegations contained in Paragraph 12 as they pertain to 3M. 3M denies that Plaintiff is entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 12 as they pertain to the other defendants.

13. 3M denies the allegations contained in Paragraph 13 as they pertain to 3M. 3M denies that Plaintiff is entitled to any relief whatsoever as against 3M and

further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 13 as they pertain to the other defendants.

JURISDICTION AND VENUE

14. The allegations contained in Paragraph 14 state legal conclusions as to which no response is required. To the extent a response is required, 3M admits that this Court has subject matter jurisdiction over this action but denies that 3M is liable to Plaintiff in any way.

15. The allegations contained in Paragraph 15 state legal conclusions as to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 15 as they pertain to 3M. 3M denies that Plaintiff is entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 15 as they pertain to the other defendants.

16. The allegations contained in Paragraph 16 state legal conclusions as to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 16 as they pertain to 3M. 3M further denies that venue as to it is proper in this Court and further denies that it is liable to Plaintiff in any way. 3M lacks knowledge or information sufficient to form a belief as to the

truth of the remaining allegations contained in Paragraph 16.

17. The allegations contained in Paragraph 17 state legal conclusions as to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 17 as they pertain to 3M. 3M further denies that venue is proper in this Court and further denies that it is liable to Plaintiff in any way. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 17.

18. The allegations contained in Paragraph 18 state legal conclusions as to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 18 as they pertain to 3M. 3M denies that Plaintiff is entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M further denies that venue is proper in this Court and further denies that it is a joint tortfeasor or joint trespasser with any defendant. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 18 as they pertain to the other defendants.

19. The allegations contained in Paragraph 19 state legal conclusions as to which no response is required.

20. The allegations contained in Paragraph 20 state legal conclusions as to which no response is required. To the extent a response is required, 3M lacks

knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20.

21. The allegations contained in Paragraph 21 state legal conclusions as to which no response is required. To the extent a response is required, 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21.

22. The allegations contained in Paragraph 22 state legal conclusions as to which no response is required. To the extent a response is required, 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22.

NO CLASS ACTION PARTICIPATION

23. 3M admits that in 2023 3M and DuPont reached separate class action settlement agreements in the matter *In re: Aqueous Film-Forming Foams Products Liability Litigation*, MDL No. 2:18-mn-2873-RMG (D.S.C.) (“AFFF Litigation”). 3M refers to the operative settlement agreements, which speak for themselves, for their true and complete contents and denies any characterization of those agreements by Plaintiff. 3M denies any remaining allegations contained in Paragraph 23 of the Complaint.

24. 3M admits that Eligible Claimants had the option of “opting out” of

each of the 3M and DuPont class settlements. 3M further admits that Plaintiff submitted a Request for Exclusion from the 3M class settlement and that it has affirmatively given up its rights under the class settlement and has chosen to pursue this litigation instead. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24.

25. 3M admits that the 3M and DuPont class settlements received final approval from the court in the AFFF Litigation and that 3M did not object to Plaintiff's Request for Exclusion. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 25.

PARTIES

26. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26.

27. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27.

28. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28.

29. The allegations contained in Paragraph 29 state legal conclusions as to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 29 as they pertain to 3M. 3M denies that Plaintiff

is entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 29 as they pertain to the other defendants.

30. The allegations contained in Paragraph 30 state legal conclusions as to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 30 as they pertain to 3M. 3M denies that Plaintiff is entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 30 as they pertain to the other defendants.

31. The allegations contained in Paragraph 31 state legal conclusions as to which no response is required. To the extent a response is required, 3M denies that Plaintiff is entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 31 as they pertain to the other defendants.

32. 3M admits that it is a corporation organized under the laws of the State of Delaware and registered to do business in the State of Georgia. 3M denies the remaining allegations contained in Paragraph 32 as they pertain to 3M. 3M denies

that Plaintiff is entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing.

33. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33.

34. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34.

35. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35.

36. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36.

37. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37.

38. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38.

39. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39.

40. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40.

41. 3M lacks knowledge or information sufficient to form a belief as to the

truth of the allegations contained in Paragraph 41.

42. 3M admits that it has, at times, sold certain PFAS-containing products to certain customers in Georgia. 3M denies Plaintiff's characterization of its business and the remaining allegations contained in Paragraph 42 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 42 as they pertain to the other defendants.

43. 3M admits that it has, at times, sold certain PFAS-containing products to certain customers in Georgia. 3M denies Plaintiff's characterization of its business and the remaining allegations contained in Paragraph 43 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 43 as they pertain to the other defendants.

44. 3M admits that it has known that certain PFAS may resist degradation. 3M denies the remaining allegations contained in Paragraph 44 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 44 as they pertain to the other defendants.

45. The allegations contained in Paragraph 45 state legal conclusions as to which no response is required. To the extent a response is required, 3M denies the

allegations contained in Paragraph 45 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 45 as they pertain to the other defendants.

46. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46.

47. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47.

48. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48.

49. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49.

50. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50.

51. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51.

52. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52.

53. The allegations contained in Paragraph 53 state legal conclusions as to which no response is required. To the extent a response is required, 3M lacks

knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53.

54. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54.

55. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55.

56. The allegations contained in Paragraph 56 state legal conclusions as to which no response is required. To the extent a response is required, 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56.

57. The allegations contained in Paragraph 57 state legal conclusions as to which no response is required. To the extent a response is required, 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57.

FACTUAL ALLEGATIONS

58. 3M admits that many PFAS are man-made chemicals that do not occur naturally in the environment. 3M further admits these substances have stable carbon-fluorine bonds, and that they have been used globally for treating carpets, rugs, or other home textiles to confer stain, soil, water and/or oil resistance. 3M denies any

remaining allegations in Paragraph 58, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony.

59. 3M admits that it has known that under certain conditions some PFAS may persist in the environment and may bioaccumulate in certain organisms. 3M further admits that certain PFAS may exhibit mobility in certain environmental media under certain conditions. 3M denies the remaining allegations in Paragraph 59 as they pertain to 3M, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 as they pertain to the other defendants.

60. 3M admits that certain PFAS may persist in the environment and resist degradation. 3M denies the remaining allegations in Paragraph 60, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony.

61. 3M admits that Perfluorooctanoic Acid (“PFOA”) and Perfluorooctanesulfonic Acid (“PFOS”) are PFAS and have been extensively studied. 3M denies the remaining allegations contained in Paragraph 61, including on the basis that they are incomplete and/or inaccurate descriptions of complex

scientific and technical matters and therefore the proper subject of expert testimony.

62. 3M admits that PFOS and PFOA contain eight fluorinated carbon atoms. 3M further admits that carbon-fluorine bonds are stable and, under certain conditions, PFOS and PFOA may persist in the environment and resist degradation. 3M denies the remaining allegations in Paragraph 62, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony.

63. Paragraph 63 purports to refer to an EPA statement. Any such EPA finding speaks for itself, and 3M denies any characterization of such statement by Plaintiff. 3M admits that it had, at times, sold certain products containing PFOS to certain customers. 3M denies the remaining allegations contained in Paragraph 63, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony.

64. 3M admits that it had, at times, manufactured PFOA and sold certain products containing PFOA to certain customers. 3M denies the remaining allegations in Paragraph 64 as they pertain to 3M, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained

in Paragraph 64 as they pertain to the other defendants.

65. 3M admits that it has studied the toxicological properties of PFOA, PFOS for at least 40 years. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 as they pertain to the other defendants.

66. 3M admits that it knew by the 1970s that under certain conditions some PFAS may persist in the environment. 3M admits that blood tests of 3M workers conducted in 1978 found elevated organic fluorine levels “proportional to the length of time that had been spent by employees in the production areas” and that “laboratory workers, with former exposure, but none for 15-20 years, had elevated [organic fluorine levels] above literature normal.” 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects. 3M denies the remaining allegations in Paragraph 66 as they pertain to 3M, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 as they pertain to the other defendants.

67. 3M admits that it was a sponsor of a study of groups of monkeys who were given various doses of PFOA. 3M refers to the study for its true and complete

contents and denies any characterization of that study by Plaintiff. 3M denies that a causal connection has been shown between exposure to any PFAS at levels typically found in the environment and any human health effects. 3M denies the remaining allegations contained in Paragraph 67 as they pertain to 3M, including on the basis that they are incomplete and/or inaccurate description of complex scientific and technical matters and therefore the proper subject of expert testimony. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 67 as they pertain to the other defendants.

68. 3M admits that it knew by the 1980s that under certain conditions some PFAS may persist in the environment. 3M denies the remaining allegations contained in Paragraph 68 as they pertain to 3M, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 68 as they pertain to the other defendants.

69. Paragraph 69 purports to refer to an unidentified Material Safety Data Sheet (“MSDS”), and 3M denies any characterization of that MSDS by Plaintiff. 3M denies that a causal connection has been shown between exposure to any PFAS at levels typically found in the environment and any human health effects. 3M denies any remaining allegations contained in Paragraph 69, including on the basis that they

are incomplete and/or inaccurate description of complex scientific and technical matters and therefore the proper subject of expert testimony.

70. Paragraph 70 purports to refer to unidentified Material Safety Data Sheets (“MSDS”), and 3M denies any characterization of those MSDSs by Plaintiff. 3M denies that a causal connection has been shown between exposure to any PFAS at levels typically found in the environment and any human health effects. 3M denies any remaining allegations contained in Paragraph 70, including on the basis that they are incomplete and/or inaccurate description of complex scientific and technical matters and therefore the proper subject of expert testimony.

71. Paragraph 71 purports to refer to a “multi-city investigation” conducted by 3M. 3M denies any characterization of that study by Plaintiff. 3M denies the remaining allegations contained in Paragraph 71, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony.

72. 3M denies the allegations in Paragraph 72 on the grounds they mischaracterize evidence and are incomplete and/or inaccurate descriptions of complex scientific and technical matters.

73. Paragraph 73 of the Complaint purports to quote a statement from Richard Purdy, and 3M denies any characterization of such statement by Plaintiff. 3M denies the remaining allegations in Paragraph 73.

74. Paragraph 74 of the Complaint purports to quote a letter from Richard Purdy, and 3M denies any characterization of such letter by Plaintiff. 3M denies the remaining allegations in Paragraph 74.

75. 3M admits that EPA has investigated PFOS, including after 1999. 3M denies the remaining allegations in Paragraph 75 on the grounds they mischaracterize evidence and are incomplete and/or inaccurate descriptions of complex scientific, regulatory, and technical matters.

76. Paragraph 76 of the Complaint purports to refer to certain unidentified EPA documents. Any such unidentified EPA documents speak for themselves, and 3M denies any characterization of such determinations and/or assessments by Plaintiff. 3M admits that it voluntarily phased out the production of perfluorooctanyl chemistries, including PFOS, beginning in 2000. 3M denies the remaining allegations contained in Paragraph 76.

77. Paragraph 77 of the Complaint purports to refer to certain unidentified EPA documents. Any such unidentified EPA documents speak for themselves, and 3M denies any characterization of such statements by Plaintiff. 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects.

78. 3M admits that it voluntarily phased out the production of perfluorooctanyl chemistries, including PFOS and PFOA, beginning in 2000. 3M

lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 78.

79. The allegations contained in Paragraph 78 are not directed at 3M, and therefore, no response is required. To the extent a response is required, 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78.

80. Paragraph 80 of the Complaint purports to refer to certain EPA documents. Any such documents speak for themselves, and 3M denies any characterizations of such documents by Plaintiff. 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects. 3M denies any remaining allegations contained in Paragraph 80.

81. The allegations contained in Paragraph 81 are not directed at 3M, and therefore, no response is required. To the extent a response is required, 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 81.

82. 3M admits that it has known that under certain conditions some PFAS may persist in the environment and may bioaccumulate in certain organisms. 3M denies the remaining allegations contained in Paragraph 82 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the

remaining allegations contained in Paragraph 82 as they pertain to the other defendants.

83. The allegations contained in Paragraph 83 state legal conclusions to which no response is required. To the extent a response is required, 3M admits that it has known that under certain conditions some PFAS may persist in the environment. 3M denies the remaining allegations contained in Paragraph 83 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 83 as they pertain to the other defendants.

84. The allegations contained in Paragraph 84 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 84 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 84 as they pertain to the other defendants.

85. 3M denies the allegations contained in Paragraph 85 as they pertain to 3M or 3M's knowledge, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 85 as they pertain to the other defendants.

86. The allegations contained in Paragraph 86 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 86 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 86 as they pertain to the other defendants.

87. 3M denies the allegations contained in Paragraph 87 as to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 87 as they pertain to the other defendants.

88. 3M further admits that it has at certain times sold certain products containing certain “Short-Chain PFAS,” understood to mean PFAS having six or fewer carbon-fluorine bonds. 3M denies the remaining allegations contained in Paragraph 88 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 88 as they pertain to the other defendants.

89. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 89.

90. 3M further admits that it has at times sold certain products containing certain Short-Chain PFAS compounds, understood to mean PFAS having six or fewer carbon-fluorine bonds. 3M denies the remaining allegations contained in Paragraph 90 as they pertain to 3M. 3M lacks knowledge or information sufficient

to form a belief as to the truth of the remaining allegations contained in Paragraph 90 as they pertain to the other defendants.

91. The allegations contained in Paragraph 91 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 91 as to 3M, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 91 as they pertain to the other defendants.

92. 3M denies the allegations contained in Paragraph 92 as to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 92 as they pertain to the other defendants.

93. Paragraph 93 of the Complaint purports to refer to provisional drinking water health advisories for PFOA and PFOS published by the EPA. Any such provisional drinking water health advisories speak for themselves, and 3M denies any characterization of such provisional drinking water health advisories by Plaintiff.

94. Paragraph 94 of the Complaint purports to refer to drinking water health advisories for PFOA and PFOS published by the EPA. Any such drinking water health advisories speak for themselves, and 3M denies any characterization of such

drinking water health advisories by Plaintiff. 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects. 3M denies any remaining allegations contained in Paragraph 94, including on the basis that they are incomplete and/or inaccurate descriptions of complex scientific and technical matters and therefore the proper subject of expert testimony.

95. Paragraph 95 of the Complaint purports to refer to drinking water health advisories published by the EPA. Any such drinking water health advisories speak for themselves, and 3M denies any characterization of such drinking water health advisories by Plaintiff.

96. Paragraph 96 of the Complaint purports to refer to a National Primary Drinking Water Regulation for PFAS published by the EPA. Any such NPDWR speaks for itself, and 3M denies any characterization of such NPDWR by Plaintiff.

97. Paragraph 97 of the Complaint purports to refer to a National Primary Drinking Water Regulation for PFAS published by the EPA. Any such NPDWR speaks for itself, and 3M denies any characterization of such NPDWR by Plaintiff.

98. Paragraph 98 of the Complaint purports to refer to a National Primary Drinking Water Regulation for PFAS published by the EPA. Any such NPDWR speaks for itself, and 3M denies any characterization of such NPDWR by Plaintiff.

99. Paragraph 99 of the Complaint purports to refer to a National Primary Drinking Water Regulation for PFAS published by the EPA. Any such NPDWR speaks for itself, and 3M denies any characterization of such NPDWR by Plaintiff.

100. Paragraph 100 of the Complaint purports to refer to certain statements attributed to the EPA and a National Primary Drinking Water Regulation for PFAS published by the EPA. Any such statements and NPDWR speaks themselves, and 3M denies any characterization of such statements and NPDWR by Plaintiff. 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects.

101. Paragraph 101 of the Complaint purports to refer to a statement attributed to the EPA. Any such statement speaks for itself, and 3M denies any characterization of such statement by Plaintiff. 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects.

102. Paragraph 102 of the Complaint purports to refer to designations and statements attributed to the EPA. Any such designations and statements speak for themselves, and 3M denies any characterization of such designations and statements by Plaintiff. 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects.

103. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 103.

104. 3M denies the allegations contained in Paragraph 104 as to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 104 as they pertain to the other defendants.

105. 3M admits that it has, at times, sold certain PFAS-containing products to certain customers. 3M denies the remaining allegations contained in Paragraph 105 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 105 as they pertain to the other defendants.

106. The allegations contained in Paragraph 106 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the remaining allegations contained in Paragraph 106 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 106 as they pertain to the other defendants.

107. 3M denies the remaining allegations contained in Paragraph 107 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 107 as they pertain to the other defendants.

108. 3M denies the remaining allegations contained in Paragraph 108 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 108 as they pertain to the other defendants.

109. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 109.

110. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 110.

111. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 111.

112. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112.

113. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 113.

114. 3M denies the allegations contained in Paragraph 114 as they pertain to 3M, including on the basis that they are incomplete and/or inaccurate description of complex scientific and technical matters and therefore the proper subject of expert testimony. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 114 as they pertain to the

other defendants.

115. 3M admits that certain PFAS may persist in the environment and resist degradation. 3M denies the remaining allegations contained in Paragraph 115 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 115 as they pertain to the other defendants.

116. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 116.

COUNT ONE: NEGLIGENCE

117. 3M incorporates all prior paragraphs by reference as if fully set forth herein.

118. The allegations contained in Paragraph 118 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects, and 3M denies the remaining allegations contained in Paragraph 118 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 118 as they pertain to the other defendants.

119. The allegations contained in Paragraph 119 state legal conclusions to which no response is required. 3M denies that it has violated the Georgia Water

Quality Control Act. To the extent a further response is required, 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 119 as they pertain to the other defendants.

120. The allegations contained in Paragraph 120 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects, and 3M denies the remaining allegations contained in Paragraph 120 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 120 as they pertain to the other defendants.

121. The allegations contained in Paragraph 121 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects, and 3M denies the remaining allegations contained in Paragraph 121 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 121 as they pertain to the other defendants.

122. The allegations contained in Paragraph 122 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that a causal connection has been established between exposure to any PFAS at levels

typically found in the environment and any human health effects, and 3M denies the remaining allegations contained in Paragraph 122 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 122 as they pertain to the other defendants.

123. The allegations contained in Paragraph 123 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects, and 3M denies the remaining allegations contained in Paragraph 123 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 123 as they pertain to the other defendants.

124. The allegations contained in Paragraph 124 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 124 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 124 as they pertain to the other defendants.

125. The allegations contained in Paragraph 125 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 125 as they pertain to 3M. 3M denies that Plaintiff is entitled to any relief whatsoever as against 3M and further denies any and all

allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 125 as they pertain to the other defendants.

COUNT TWO: PUBLIC NUISANCE

126. 3M incorporates all prior paragraphs by reference as if fully set forth herein.

127. The allegations contained in Paragraph 127 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 127 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 127 as they pertain to the other defendants.

128. The allegations contained in Paragraph 128 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 128 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 128.

129. The allegations contained in Paragraph 129 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that a causal connection has been established between exposure to any PFAS at levels typically found in the environment and any human health effects, and 3M denies the

remaining allegations contained in Paragraph 129 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 129 as they pertain to the other defendants.

130. The allegations contained in Paragraph 130 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 130 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 130 as they pertain to the other defendants.

131. The allegations contained in Paragraph 131 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 131 as they pertain to 3M. 3M denies that Plaintiff is entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 131 as they pertain to the other defendants.

COUNT THREE: PRIVATE NUISANCE

132. 3M incorporates all prior paragraphs by reference as if fully set forth herein.

133. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 133.

134. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 134.

135. The allegations contained in Paragraph 135 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 135 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 135 as they pertain to the other defendants.

136. The allegations contained in Paragraph 136 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the remaining allegations contained in Paragraph 136 as they pertain to 3M. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 136 as they pertain to the other defendants.

137. The allegations contained in Paragraph 137 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 137 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 137 as they pertain to the other defendants.

138. The allegations contained in Paragraph 138 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 138 as they pertain to 3M, and 3M lacks

knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 138 as they pertain to the other defendants.

139. The allegations contained in Paragraph 139 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 139 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 139 as they pertain to the other defendants.

140. The allegations contained in Paragraph 140 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 140 as they pertain to 3M. 3M denies that Plaintiff are entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 140 as they pertain to the other defendants.

COUNT FOUR: TRESPASS

141. 3M incorporates all prior paragraphs by reference as if fully set forth herein.

142. 3M lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 142.

143. 3M lacks knowledge or information sufficient to form a belief as to the

truth of the allegations contained in Paragraph 143.

144. The allegations contained in Paragraph 144 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 144 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 144 as they pertain to the other defendants.

145. The allegations contained in Paragraph 145 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that it has trespassed on Plaintiff's property. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 145.

146. The allegations contained in Paragraph 146 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that is has polluted or contaminated Plaintiff's property. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 146.

147. The allegations contained in Paragraph 147 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that it is liable to Plaintiff in any way. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 147.

148. The allegations contained in Paragraph 148 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 148 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 148 as they pertain to the other defendants.

149. The allegations contained in Paragraph 149 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 149 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 149 as they pertain to the other defendants.

150. The allegations contained in Paragraph 150 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 150 as they pertain to 3M. 3M denies that Plaintiff are entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 150 as they pertain to the other defendants.

COUNT FIVE: WANTONNESS AND PUNITIVE DAMAGES

151. 3M incorporates all prior paragraphs by reference as if fully set forth herein.

152. The allegations contained in Paragraph 152 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 152 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 152 as they pertain to the other defendants.

153. The allegations contained in Paragraph 153 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 153 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 153 as they pertain to the other defendants.

154. The allegations contained in Paragraph 154 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 154 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 154 as they pertain to the other defendants.

155. The allegations contained in Paragraph 155 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 155 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 155 as they pertain to the other defendants.

156. The allegations contained in Paragraph 156 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 156 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 156 as they pertain to the other defendants.

157. The allegations contained in Paragraph 157 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 157 as they pertain to 3M. 3M denies that Plaintiff are entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 157 as they pertain to the other defendants.

158. The allegations contained in Paragraph 158 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 158 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 158 as they pertain to the other defendants.

COUNT SIX: ATTORNEYS' FEES AND EXPENSES OF LITIGATION

159. 3M incorporates all prior paragraphs by reference as if fully set forth herein.

160. The allegations contained in Paragraph 160 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 160 as they pertain to 3M. 3M denies that Plaintiff are entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 160 as they pertain to the other defendants.

COUNT SEVEN: GEORGIA WATER QUALITY CONTROL ACT

161. 3M incorporates all prior paragraphs by reference as if fully set forth herein.

162. The allegations contained in Paragraph 162 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that it is liable to Plaintiff in any way. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 162.

163. The allegations contained in Paragraph 163 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 163 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 163 as they pertain to the other defendants.

164. The allegations contained in Paragraph 164 state legal conclusions to

which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 164 as they pertain to 3M, and 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 164 as they pertain to the other defendants.

165. The allegations contained in Paragraph 165 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations in Paragraph 165 as they pertain to 3M.

166. The allegations contained in Paragraph 166 state legal conclusions to which no response is required. To the extent a response is required, 3M denies that it is liable to Plaintiff in any way.

167. The allegations contained in Paragraph 167 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 167 as they pertain to 3M.

168. The allegations contained in Paragraph 168 state legal conclusions to which no response is required. To the extent a response is required, 3M denies the allegations contained in Paragraph 168 as they pertain to 3M. 3M denies that Plaintiff are entitled to any relief whatsoever as against 3M and further denies any and all allegations of wrongdoing. 3M lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 168 as they pertain to the other defendants.

RELIEF REQUESTED

3M denies Plaintiff's request for relief in its entirety.

* * *

3M'S AFFIRMATIVE AND OTHER DEFENSES

3M asserts the following additional defenses and affirmative defenses. In disclosing these defenses, 3M does not assume any burden of proof not otherwise required by law. 3M reserves its right to amend this Answer.

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks standing to seek recovery for alleged injury to property not owned by Plaintiff, including, but not limited to, groundwater, or for costs incurred by third parties, including the local, state, or federal governments.

THIRD DEFENSE

Some or all of Plaintiff's claims are barred by the applicable statute of limitations, and Plaintiff's alleged damages are barred to the extent that any damages were incurred outside the applicable statute of limitations.

FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because, at all relevant times, 3M exercised due care with respect to its activities and took reasonable precautions against foreseeable acts or omissions of others.

FIFTH DEFENSE

3M asserts the change of the product, material, or equipment's condition as a defense.

SIXTH DEFENSE

Plaintiff's claims are barred in whole or in part by the doctrines of laches, waiver, estoppel, and unclean hands.

SEVENTH DEFENSE

The damages sought by Plaintiff, if awarded, should be reduced by any amounts they may recover from any other sources, and Plaintiff is barred from any form of double recovery regardless of the nature or source of such recovery.

EIGHTH DEFENSE

Any injuries or damages complained of in the Complaint were not caused by 3M's alleged actions.

NINTH DEFENSE

3M denies, to the extent the actions alleged may have occurred, that any entity engaging in the activities alleged was acting as the agent or servant of 3M, or at the

instruction or subject to the control of 3M with regard to any of the actions described in the Complaint. Accordingly, 3M is not liable for any acts or omissions of such third parties as a matter of law.

TENTH DEFENSE

3M owed no duty to Plaintiff.

ELEVENTH DEFENSE

The proximate cause of any injury sustained by Plaintiff was an event or incident which was not legally foreseeable by 3M, and, therefore, 3M has no legal liability for any of Plaintiff's damages.

TWELFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because no action of 3M was the proximate, substantial, or actual cause of Plaintiff's alleged injuries.

THIRTEENTH DEFENSE

Plaintiff's injuries and damages, if any, alleged in the Complaint are barred because there is no causal relationship between any acts or omissions by 3M and the damages, if any, suffered by Plaintiff and/or because they are the result of independent, unforeseeable, superseding, and/or intervening causes unrelated to any conduct or product sold by 3M.

FOURTEENTH DEFENSE

Plaintiff is barred from recovering any damages by virtue of the fact that there was no practical or technically feasible alternative design or formulation that would

have prevented the harm alleged to Plaintiff without substantially impairing the usefulness or intended purpose of the product.

FIFTEENTH DEFENSE

The Plaintiff's claim for attorneys' fees is barred because 3M has not acted in a manner that gives rise to a claim for attorneys' fees or for the expenses of litigation.

SIXTEENTH DEFENSE

Plaintiff's request to recover attorneys' fees and expenses is barred, in whole or in part, to the extent recovery of attorneys' fees and expenses is not expressly authorized by Georgia or other applicable law.

SEVENTEENTH DEFENSE

Plaintiff is not entitled to injunctive or equitable relief against 3M, as Plaintiff has an adequate remedy at law.

EIGHTEENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because: (i) prior to sale, 3M's products conformed to the state-of-the-art existing at the time of manufacture; (ii) 3M's conduct was in accordance with and complied with all applicable laws, regulations, industry practice, and state-of-the-art knowledge, including, but not limited to, all applicable standards of care thereunder; and (iii) 3M's conduct in accordance with such standards of care was reasonable, prudent, in good faith, and with due care for the rights, safety, and property of others.

NINETEENTH DEFENSE

Plaintiff's alleged damages were due to unavoidable circumstances and causes beyond the control of 3M.

TWENTIETH DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent 3M's products were unforeseeably misused or altered.

TWENTY-FIRST DEFENSE

The alleged incidents, injuries, and damages of which Plaintiff complains were caused by unforeseeable alteration or unauthorized, unintended, and/or improper use or disposal of PFAS and/or other chemicals or substances, and as a result of the failure to exercise reasonable care, caution, or vigilance for which 3M is not legally liable or responsible.

TWENTY-SECOND DEFENSE

The damages that Plaintiff seeks, if awarded, would result in unjust enrichment to Plaintiff.

TWENTY-THIRD DEFENSE

Plaintiff's claims are barred, in whole or in part, under the useful product doctrine.

TWENTY-FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because costs allegedly to be incurred by Plaintiff in the future are remote, speculative, conjectural, contingent, unreasonable, excessive, and/or arbitrary and capricious.

TWENTY-FIFTH DEFENSE

Plaintiff is not entitled to recover from 3M more than 3M's fair, equitable, and proportionate share, if any, of the costs and damages alleged by Plaintiff, or to otherwise recover from 3M more than the amount of such relief, if any, for which 3M is liable.

TWENTY-SIXTH DEFENSE

At all times relevant hereto, the state of the medical, industrial, and scientific arts was that there was no generally accepted or recognized knowledge of any unsafe, inherently dangerous, hazardous, or defective character or nature of PFAS, or related substances, so that there was no duty by 3M to know of any such character or nature or to warn Plaintiff or others similarly situated, and that, to the extent such duty arose, adequate warnings either were given or were not necessary under all circumstances.

TWENTY-SEVENTH DEFENSE

At all times during the conduct of its corporate operations, the agents, servants, and/or employees of 3M used proper methods in designing, testing, and manufacturing its products in conformity with the federal and state regulations,

standards, specifications, and laws in effect; the available knowledge and research of the scientific and industrial communities; the generally recognized and prevailing industry standards; and the state of the art in existence at the time the design was prepared and the products, materials, and/or equipment manufactured and tested.

TWENTY-EIGHTH DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent that an adequate warning from 3M would not have changed the other Defendants' alleged waste-disposal practices.

TWENTY-NINTH DEFENSE

This action is barred by Plaintiff's failure to join necessary and/or indispensable parties.

THIRTIETH DEFENSE

The 3M products at issue in Plaintiff's Complaint were reasonably fit, suitable, and safe for their intended purpose.

THIRTY-FIRST DEFENSE

The 3M products at issue in Plaintiff's Complaint were not inherently dangerous and did not otherwise present a foreseeable danger to Plaintiff.

THIRTY-SECOND DEFENSE

Plaintiff was not reasonably foreseeable or intended user of the products at issue in the Plaintiff's Complaint.

THIRTY-THIRD DEFENSE

Plaintiff's claims are barred to the extent they seek to hold 3M liable for any claims for which it would be a violation of public policy to hold 3M liable, including, but not limited to, claims for punitive damages and/or penalties.

THIRTY-FOURTH DEFENSE

Plaintiff has not suffered a unitary harm and/or indivisible injury.

THIRTY-FIFTH DEFENSE

Plaintiff has the burden of proof to apportion alleged damages and/or injuries.

THIRTY-SIXTH DEFENSE

3M cannot be held jointly and severally liable for the acts or omissions of third parties, because their acts or omissions were separate and distinct and the alleged harm is divisible from any harm allegedly caused by acts or omissions of 3M, which is expressly denied.

THIRTY-SEVENTH DEFENSE

If found, in whole or in part, either directly or indirectly, liable for damages, liability for which 3M denies, then 3M is entitled to (i) statutory contribution and/or (ii) common law contribution and indemnification from other persons or entities.

THIRTY-EIGHTH DEFENSE

3M asserts as a defense, credit, or set-off against the damages claimed by Plaintiff any monies paid to Plaintiff in connection with a settlement (or settlements) between Plaintiff and any other entity.

THIRTY-NINTH DEFENSE

Plaintiff's claims against 3M are barred, in whole or in part, because any damage allegedly suffered by Plaintiff was caused by the acts, omissions, or conduct of others constituting an intervening cause.

FORTIETH DEFENSE

Plaintiff's claims are barred, in whole or in part, and any award of damages should be limited under Georgia law, to the extent any fault, negligence, and/or other culpable conduct by Plaintiff caused, proximately caused, or contributed to the alleged injuries and damages or to the extent that the doctrines of contributory negligence, comparative fault, avoidable consequences, assumption of risk, voluntary exposure, and/or other applicable common law or statutory doctrines apply.

FORTY-FIRST DEFENSE

Plaintiff's claims are barred, in whole or in part, and any award of damages should be limited, to the extent any fault, negligence, and/or other culpable conduct by other persons or entities, including, but not limited, to co-defendants and non-parties, caused, proximately caused, or contributed to the alleged injuries and damages or to the extent that the doctrines of contributory negligence, comparative fault, avoidable consequences, assumption of risk, voluntary exposure, and/or other applicable common law or statutory doctrines apply.

FORTY-SECOND DEFENSE

Plaintiff's claim for punitive damages against 3M fails as a matter of law because Plaintiff is not entitled to recovery against 3M in tort, and 3M has not acted in a wanton, willful, reckless, or grossly negligent manner. The imposition of punitive damages would violate the United States Constitution and the Georgia Constitution.

FORTY-THIRD DEFENSE

Plaintiff's claim for punitive damages is subject to the limitations cap, and the substantive and procedural legal protections, contained in O.C.G.A. §51-12-1, *et seq.*

FORTY-FOURTH DEFENSE

3M specifically incorporates by reference any and all standards and limitations regarding the determination and/or enforceability of punitive damage awards specified in decisions of the United States Supreme Court, including, but not limited to, *Exxon Shipping Co. v. Baker*, 554 U.S. 471 (2008); *BMW of North America, Inc. v. Gore*, 517 U.S. 559 (1996); *Cooper Indus., Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 424 (2001); *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003); *Philip Morris USA v. Williams*, 549 U.S. 346 (2007); and *TXO Prod. Corp. v. Alliance Resources Corp.*, 509 U.S. 443 (1993).

FORTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, under the doctrine of Federal Preemption, including express preemption, implied conflict preemption, and field preemption, pursuant to any applicable statutes, regulations, guidance documents, notices, military specifications, and policy statements, enacted and/or promulgated and/or issued by Congress, federal agencies, or the executive branch, including, without limitation, to the extent Plaintiff's claims constitute an impermissible challenge to a response or remediation action under CERCLA, 42 U.S.C. § 9613(h).

FORTY-SIXTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrine of primary jurisdiction.

FORTY-SEVENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent Plaintiff cannot establish that Plaintiff's alleged injuries were caused by exposure to any product(s) attributable to 3M.

FORTY-EIGHTH DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent that Plaintiff cannot establish which PFAS-containing products 3M allegedly sold to the other Defendants or when the sales allegedly occurred.

FORTY-NINTH DEFENSE

To the extent Plaintiff has not suffered any cognizable harm and have not incurred any present damages caused by 3M, there is no current case or controversy and, thus, Plaintiff's claims are not ripe for adjudication.

FIFTIETH DEFENSE

Plaintiff's claims are barred because 3M did not discharge, release, emit, or dispose of the PFAS or other chemicals and substances to which Plaintiff alleges Plaintiff was exposed and/or that allegedly contaminated the groundwater, soil, air, and/or Plaintiff's property.

FIFTY-FIRST DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent Plaintiff has failed to exhaust administrative remedies.

FIFTY-SECOND DEFENSE

At all relevant times, 3M complied with all applicable environmental laws, regulations, industry standards, and ordinances, and otherwise conducted itself reasonably, prudently, in good faith, and with due care for the rights, safety, and property of others.

FIFTY-THIRD DEFENSE

Plaintiff's claims are barred to the extent the conduct of 3M alleged to give rise to liability in the Complaint is the subject of a release, contract, or other agreement executed by Plaintiff.

FIFTY-FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff cannot establish that it has sustained damage to real or personal property.

FIFTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because 3M did not own, operate, or otherwise control the facilities described in the Complaint at the time that PFAS is alleged to have migrated out of those facilities.

FIFTY-SIXTH DEFENSE

Plaintiff may be barred by the doctrine of res judicata and collateral estoppel from forms of relief sought in the Complaint.

FIFTY-SEVENTH DEFENSE

Plaintiff's claims are or may be barred, in whole or in part, because federal, state, and/or local authorities authorized, permitted, ratified, or were aware of and acquiesced in actions by 3M that are the subject of Plaintiff's claims. 3M is not responsible or liable for any acts or omissions undertaken by or at the direction of any governmental authority or agency.

FIFTY-EIGHTH DEFENSE

Plaintiff's claims are barred to the extent that it seeks to recover costs, damages, and expenses including, but not limited to, response, assessment, remediation cleanup and/or removal costs that Plaintiff incurred improperly, or that are not related to natural resource restoration or replacement damages.

FIFTY-NINTH DEFENSE

The relief sought is, in whole or in part, within the particular expertise of and is being addressed by federal and state governments, and their relevant agencies, and thus this Court should decline to exercise jurisdiction over these matters pursuant to the doctrine of primary jurisdiction, abstention, and or the doctrine of separation of powers.

SIXTIETH DEFENSE

Plaintiff's claims are or may be barred, in whole or in part, to the extent that any warranties were disclaimed and/or are limited by applicable provisions of the UCC.

SIXTY-FIRST DEFENSE

Plaintiff's claims are or may be barred, in whole or in part, to the extent they violate 3M's First Amendment rights to free speech.

SIXTY-SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, by various provisions, including but not limited to provisions concerning disclaimer of warranties, limitations of liability, and exculpation of liability, that are contained in documents such as agreements between 3M and its customers, purchase orders, and Material Safety Data Sheets, and Safety Data Sheets.

SIXTY-THIRD DEFENSE

3M is entitled to all of the procedural, substantive, and other protections, caps, and limitations provided by the state statutes and other state and federal law regarding Plaintiff's claims for compensatory and punitive damages, including but not limited to state tort reform measures and statutes that, although not affirmative defenses, preclude or limit Plaintiff's ability to pursue compensatory and punitive damages, limit the amount of damages available, and/ or provide procedural requirements and protections to a defendant.

SIXTY-FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent that the relief sought will not redress the alleged harm.

SIXTY-FIFTH DEFENSE

Plaintiff's claims are or may be barred, in whole or in part, because Plaintiff lacks privity with 3M.

SIXTY-SIXTH DEFENSE

3M is not liable for any products, chemicals or substances not manufactured or used by 3M.

SIXTY-SEVENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, for failing to link any of its alleged exposure to any product(s) manufactured by 3M.

SIXTY-EIGHTH DEFENSE

Plaintiff's alleged claims are barred to the extent Plaintiff's response actions will be, are or have been excessive, unnecessary, unreasonable, and/or inconsistent with statutory requirements.

SIXTY-NINTH DEFENSE

Plaintiff's claims are barred, in whole or in part, as to 3M because 3M is alleged to have done nothing more than lawfully and properly sell a lawful product.

SEVENTIETH DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff failed to take reasonable steps to mitigate Plaintiff's alleged damage and by the doctrines of avoidable consequences, open and obvious risk, voluntary exposure, and acquiescence.

SEVENTY-FIRST DEFENSE

Plaintiff's claims are barred, in whole or in part, by applicable statutes of repose, including O.C.G.A. §51-1-11.

SEVENTY-SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, by the sophisticated purchaser/user, sophisticated/learned intermediary, sophisticated/knowledgeable user, bulk supplier, component part supplier, or other similar or related doctrines.

SEVENTY-THIRD DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent Plaintiff seeks to retroactively impose liability for conduct that was not actionable at the time it occurred, and 3M may not be held liable under retroactive theories not requiring proof of fault or causation.

SEVENTY-FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, as to 3M because Plaintiff does not and cannot allege that 3M exercised control over the cause of the harm alleged.

SEVENTY-FIFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the economic loss doctrine.

SEVENTY-SIXTH DEFENSE

Any recovery by Plaintiff may be barred or reduced by the negligence, fault, conduct, or carelessness of others for whose conduct 3M is not responsible. Any judgment rendered against 3M in this action, under all theories of liability, must be limited to the fault, if any, attributable to 3M. If any judgment in Plaintiff's favor is entered in this matter, including against 3M, then said judgment must be apportioned among any and all other persons or entities, whether parties or non-parties, who are or could be responsible for any of Plaintiff's injuries or damages. See, e.g., O.C.G.A. § 51-12-33.

SEVENTY-SEVENTH

The action should be dismissed due to lack of jurisdiction over the person of 3M.

SEVENTY-EIGHTH DEFENSE

The action should be dismissed based on improper venue.

RESERVATION OF DEFENSES

3M incorporates by reference as if set forth herein in their entirety all applicable defenses set forth in the answers of all other defendants, except to the extent they seek to impose any liability on or allocation of fault to 3M, and, further, reserves the right to amend or supplement these defenses with any additional defenses that subsequently become available during discovery or at trial.

WHEREFORE, Defendant 3M Company prays that Plaintiff's Complaint and causes of action against it be dismissed with prejudice, together with costs and disbursements. 3M further demands such other relief, both general and specific, at law or in equity, to which it is justly entitled.

Respectfully submitted on this 14th day of August 2024.

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Counsel for Defendant 3M Company

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing DEFENDANT 3M COMPANY, INC.'S ANSWER AND AFFIRMATIVE AND OTHER DEFENSES by filing same with the clerk of court using PeachCourt, which will send email notification of such filing to all attorneys of record.

This 14th day of August, 2024.

/s/ Robert B. Remar
Counsel for Defendant 3M Company