

2025CA4052

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Kim Windle James, Clerk
Chattooga County, Georgia

IN THE STATE COURT OF CHATTOOGA COUNTY
STATE OF GEORGIA

THE TOWN OF LYERLY, GEORGIA)

Plaintiff,)

v.)

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)

Defendants.)

Case Number: 24SCA4052

**DAIKIN AMERICA, INC.'S ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

Daikin America, Inc. ("DAI") files this Answer to Plaintiff's First Amended Complaint ("First Amended Complaint").¹ DAI denies each allegation in the First Amended Complaint except those expressly admitted below. This Answer is based upon DAI's investigation to date, and DAI reserves the right to amend this Answer if and when new information is learned.

STATEMENT OF THE CASE

1. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or

¹ The Summons served on DAI references Plaintiff's First Amended Complaint, not Plaintiff's original complaint, so DAI hereby answers the First Amended Complaint, even though there is generally no obligation to respond to an amended pleading under Georgia law. *See GeorgiaCarry.Org v. Code Revision Commission*, 299 Ga. 896, 898-99 (2016). In an abundance of caution, DAI is also filing an Answer to Plaintiff's original complaint.

information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

2. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

3. DAI admits that science has shown that PFOA and PFOS are persistent in the environment. DAI denies the remaining allegations of this paragraph, including because this paragraph does not appear to contain allegations against DAI.

4. DAI admits that science has shown that PFOA and PFOS are persistent in the environment. DAI denies the remaining allegations of this paragraph, including because this paragraph does not appear to contain allegations against DAI.

5. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

6. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

7. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore those allegations are denied.

8. DAI admits only that it has sold products known as fluorinated polymers. DAI denies the remaining allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore those allegations are denied.

9. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

10. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore those allegations are denied.

11. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore those allegations are denied.

12. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore those allegations are denied.

13. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore those allegations are denied.

JURISDICTION AND VENUE

14. This paragraph sets forth a legal conclusion that does not require a response. To the extent a response is required, DAI lacks knowledge or information sufficient to form a belief about the truth of the allegation in this paragraph and therefore denies this allegation.

15. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

16. This paragraph sets forth legal conclusions that do not require a response. To the extent a response is required, DAI denies the allegations in this paragraph directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

17. This paragraph sets forth legal conclusions that do not require a response. To the extent a response is required, DAI denies the allegations in this paragraph directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

18. This paragraph sets forth legal conclusions that do not require a response. To the extent a response is required, DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies those allegations.

19. This paragraph sets forth legal conclusions that do not require a response. To the extent a response is required, DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies those allegations.

20. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

21. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations. This paragraph also sets forth legal conclusions that do not require a response.

NO CLASS ACTION PARTICIPATION

22. DAI admits it has been named in other lawsuits that involve allegations related to PFAS. DAI denies the remaining allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

23. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations. This paragraph also sets forth legal conclusions that do not require a response.

24. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

PARTIES

I. Plaintiff

25. Upon information and belief, DAI admits Plaintiff is a municipal corporation organized under the laws of the State of Georgia. DAI lacks knowledge or information sufficient to form a belief about the truth of the remainder of the allegations in this paragraph and therefore denies those allegations.

26. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

27. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

28. This paragraph sets forth legal conclusions that do not require a response. To the extent a response is required, DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

29. This paragraph sets forth legal conclusions that do not require a response. To the extent a response is required, DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

30. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

II. Defendants

A. PFAS Manufacturers

31. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

32. DAI admits only that DAI is a Delaware corporation doing business in the State of Georgia. DAI denies the remaining allegations in this paragraph.

33. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

34. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

35. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

36. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

37. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

38. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

39. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

40. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

41. DAI admits it has manufactured and sold products known as fluorinated polymers. DAI denies the remaining allegations in this paragraph to the extent they are directed at DAI. DAI

lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

42. DAI admits it has manufactured and sold products known as fluorinated polymers. DAI denies the remaining allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

43. DAI denies the allegation in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

44. This paragraph contains legal conclusions that do not require a response. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

B. PFAS Users

45. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

46. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

47. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

48. This paragraph contains merely a definition and does not appear to contain allegations against DAI requiring any response.

49. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

50. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations. This paragraph also sets forth legal conclusions that do not require a response.

51. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

52. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

53. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations. This paragraph also contains legal conclusions that do not require a response.

54. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations. This paragraph also contains legal conclusions that do not require a response.

FACTUAL ALLEGATIONS

I. Defendants Have Known for Decades That “Long-Chain” PFAS are a Threat to Human Health and the Environment.

55. DAI admits PFAS are a group of man-made substances and that certain PFAS have a wide variety of useful industrial, commercial, and consumer applications. DAI admits that science has shown that PFOA and PFOS are persistent in the environment. DAI denies the remaining allegations of this paragraph, including because this paragraph does not appear to contain allegations against DAI.

56. DAI admits that science has shown that PFOA and PFOS are persistent in the environment. DAI denies the remaining allegations of this paragraph, including because this paragraph does not appear to contain allegations against DAI.

57. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations. This paragraph also contains legal conclusions that do not require a response.

58. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

59. DAI admits that PFOS and PFOA are sometimes referred to as C-8 substances. DAI denies the remaining allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

60. This paragraph does not appear to contain allegations against DAI, as DAI never manufactured PFOS. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

61. DAI never manufactured or sold PFOA, and DAI did not intentionally use PFOA in the manufacturing of any Unidyne product DAI sold to the carpet and textile industries. DAI denies the remaining allegations in this paragraph to the extent directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

62. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

63. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

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70. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

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72. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

73. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

74. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

75. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

76. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

77. DAI admits that the C-8 Science Panel issued certain findings, but those findings are disputed, and DAI denies that this paragraph accurately or completely states the C-8 Science Panel's findings. DAI denies the remaining allegations of this Paragraph.

78. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

79. DAI admits that science has shown that PFOA and PFOS are persistent in the environment. DAI denies the remaining allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

80. This paragraph sets forth legal conclusions that do not require a response. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

81. This paragraph sets forth legal conclusions that do not require a response. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

82. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

83. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

84. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

II. “Short-Chain” PFAS

85. DAI admits that in the 2000s, DAI worked to identify shorter-chain alternatives. DAI denies the remaining allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

86. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

87. DAI admits it has sold “short-chain” alternatives. DAI denies the remaining allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

88. This paragraph sets forth legal conclusions that do not require a response. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge

or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

89. This paragraph sets forth legal conclusions that do not require a response. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

III. PFAS Regulations

90. DAI admits that in 2009, EPA published “Provisional Health Advisories” of 400 parts per trillion for PFOA and 200 parts per trillion for PFOS. DAI states that EPA’s 2009 Provisional Health Advisories speak for themselves. DAI denies the remaining allegations in this paragraph.

91. DAI admits that, in May of 2016, EPA issued a “Drinking Water Health Advisory” of 70 parts per trillion for combined concentration of PFOA and PFOS. DAI states that EPA’s 2016 Drinking Water Health Advisory speaks for itself. DAI denies the remaining allegations in this paragraph.

92. DAI admits that, on June 15, 2022, EPA issued interim lifetime Drinking Water Health Advisories. DAI states that the June 15, 2022 interim lifetime Drinking Water Health Advisories speak for themselves. DAI denies the remaining allegations in this paragraph.

93. DAI admits that, in March 2023, the EPA proposed a National Primary Drinking Water Regulation for six PFAS: PFOA, PFOS, PFHxS, PFNA, HFPO-DA, and PFBS. DAI states that EPA’s proposed National Primary Drinking Water Regulation for PFOA, PFOS, PFHxS,

PFNA, HFPO-DA, and PFBS speaks for itself. DAI denies the remaining allegations in this paragraph.

94. DAI admits that, on April 10, 2024, the EPA announced the National Primary Drinking Water Regulation for six PFAS: PFOA, PFOS, PFHxS, PFNA, HFPO-DA, and PFBS. The EPA's announcement and the National Primary Drinking Water Regulation for PFOA, PFOS, PFHxS, PFNA, HFPO-DA, and PFBS speak for themselves. DAI denies the remaining allegations in this paragraph, including because the allegations call for a legal conclusion as to the enforceability of the National Primary Drinking Water Regulation.

95. DAI states that the National Primary Drinking Water Regulation for PFOA, PFOS, PFHxS, PFNA, HFPO-DA, and PFBS speaks for itself. DAI denies the remaining allegations in this paragraph.

96. DAI states that the National Primary Drinking Water Regulation for PFOA, PFOS, PFHxS, PFNA, HFPO-DA, and PFBS speaks for itself. DAI denies the remaining allegations in this paragraph.

97. DAI states that the EPA's announcement and the National Primary Drinking Water Regulation for PFOA, PFOS, PFHxS, PFNA, HFPO-DA, and PFBS speak for themselves. DAI denies the remaining allegations in this paragraph.

98. DAI states that the EPA's announcement and the National Primary Drinking Water Regulation for PFOA, PFOS, PFHxS, PFNA, HFPO-DA, and PFBS speak for themselves. DAI denies the remaining allegations in this paragraph.

99. DAI admits that, in April 2024, the EPA designated PFOA and PFOS as Hazardous Substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. The EPA's announcement and its rule speak for themselves. DAI denies the remaining allegations in this paragraph.

IV. PFAs Pollution in and Around Plaintiff's Water Supply

100. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

101. This paragraph sets forth legal conclusions that do not require a response. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

102. DAI admits it has manufactured and sold products known as fluorinated polymers. DAI denies the remaining allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

103. This paragraph sets forth legal conclusions that do not require a response. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

104. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

105. DAI denies the allegations in this paragraph to the extent they are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

106. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

107. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

108. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

109. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

110. This paragraph does not appear to contain allegations against DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

111. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

112. DAI admits that science has shown that PFOA and PFOS are persistent in the environment. DAI denies the remaining allegations of this paragraph.

113. This paragraph does not appear to contain allegations against DAI. DAI denies any allegations in this paragraph to the extent any are directed at DAI. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph directed towards others and therefore denies those allegations.

COUNT I - NEGLIGENCE

114. DAI incorporates by reference its responses to the prior paragraphs of the Complaint as if restated herein.

115. Denied as to DAI.

116. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

117. Denied as to DAI.

118. Denied as to DAI.

119. Denied as to DAI.

120. Denied as to DAI.

121. Denied as to DAI.

122. Denied as to DAI.

In response to the unnumbered paragraph following Paragraph 122 that begins with “WHEREFORE . . .,” DAI denies that Plaintiff is entitled to any relief from DAI.

COUNT II – PUBLIC NUISANCE

123. DAI incorporates by reference its responses to the prior paragraphs of the Complaint as if restated herein.

124. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

125. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

126. Denied as to DAI.

127. Denied as to DAI.

128. Denied as to DAI.

In response to the unnumbered paragraph following Paragraph 128 that begins with “WHEREFORE . . .,” DAI denies that Plaintiff is entitled to any relief from DAI.

COUNT III: PRIVATE NUISANCE

129. DAI incorporates by reference its responses to the prior paragraphs of the Complaint as if restated herein.

130. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies those allegations.

131. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies those allegations.

132. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

133. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

134. Denied as to DAI.

135. Denied as to DAI.

136. Denied as to DAI.

137. Denied as to DAI.

In response to the unnumbered paragraph following Paragraph 137 that begins with “WHEREFORE . . .,” DAI denies that Plaintiff is entitled to any relief from DAI.

COUNT IV: TRESPASS

138. DAI incorporates by reference its responses to the prior paragraphs of the Complaint as if restated herein.

139. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies those allegations.

140. DAI lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and therefore denies those allegations.

141. Denied as to DAI.

142. This paragraph contains legal conclusions to which no response is required. To the extent this paragraph contains any allegations directed to DAI, they are denied.

143. This paragraph contains legal conclusions to which no response is required. To the extent this paragraph contains any allegations directed to DAI, they are denied.

144. Denied as to DAI.

145. Denied as to DAI.

146. Denied as to DAI.

147. Denied as to DAI.

In response to the unnumbered paragraph following Paragraph 147 that begins with “WHEREFORE . . .,” DAI denies that Plaintiff is entitled to any relief from DAI.

COUNT V: WANTONNESS AND PUNITIVE DAMAGES

148. DAI incorporates by reference its responses to the prior paragraphs of the Complaint as if restated herein.

149. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

150. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

151. Denied as to DAI.

152. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

153. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

154. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

155. Denied as to DAI.

In response to the unnumbered paragraph following Paragraph 155 that begins with “WHEREFORE . . .,” DAI denies that Plaintiff is entitled to any relief from DAI.

COUNT VI – ATTORNEYS’ FEES AND EXPENSES OF LITIGATION

156. DAI incorporates by reference its responses to the prior paragraphs of the Complaint as if restated herein.

157. This paragraph sets forth legal conclusions that do not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

COUNT VII – GEORGIA WATER QUALITY CONTROL ACT

158. DAI incorporates by reference its responses to the prior paragraphs of the Complaint as if restated herein.

159. This paragraph sets forth a legal conclusion that does not require a response.

160. This paragraph sets forth a legal conclusion that does not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied

161. This paragraph sets forth legal conclusions that do not require a response. DAI denies that it has discharged, deposited, or otherwise caused anything to enter into the Conasauga Aquifer. DAI denies the remaining allegations in this paragraph to the extent they are directed at DAI.

162. This paragraph sets forth a legal conclusion that does not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

163. This paragraph sets forth a legal conclusion that does not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

164. This paragraph sets forth a legal conclusion that does not require a response. To the extent this paragraph contains any allegations directed to DAI, they are denied.

165. Denied as to DAI.

In response to the unnumbered paragraph beginning “WHEREFORE . . .,” DAI denies that Plaintiff is entitled to any relief from DAI.

WHEREFORE, DAI requests that the claims against DAI be dismissed with prejudice and that costs and fees be taxed against Plaintiff.

DEFENSES

FIRST DEFENSE

DAI denies the material allegations of the First Amended Complaint and demands strict proof thereof.

SECOND DEFENSE

The First Amended Complaint fails to state a claim upon which relief can be granted against DAI.

THIRD DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations, statutes of repose (including, but not limited to, O.C.G.A. § 51-1-11), rules of repose, accord and satisfaction, consent, license, permit, acquiescence, release, laches, waiver, unclean hands, and/or estoppel.

FOURTH DEFENSE

Plaintiff's claims are barred in whole or in part because DAI's conduct was in accordance with the applicable standards of care under all laws, regulations, industry practice, and state-of-the-art knowledge, and the activities of DAI in accordance with such standards were reasonable as a matter of law. DAI at all times acted reasonably, in good faith, and with the skill, prudence, and diligence of others in the industry at the time.

FIFTH DEFENSE

DAI asserts that Plaintiff's alleged injuries are the result of one or more independent, superseding, and/or intervening causes.

SIXTH DEFENSE

DAI asserts that there is no causal relationship between its alleged actions or conduct and Plaintiff's alleged injuries. Plaintiff's injuries, if any, were caused solely by the actions, omissions,

or conduct of persons and/or entities for whom or which DAI is not responsible and/or were caused by acts, omissions, conduct, and/or factors beyond the control of DAI.

SEVENTH DEFENSE

Plaintiff's claims are preempted, in whole or in part, by the applicable federal and state statutes and regulations, pursuant to the Supremacy Clause of the United States Constitution and the Home Rule and related provisions of the Georgia Constitution.

EIGHTH DEFENSE

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

NINTH DEFENSE

An award of punitive damages in this case would violate the Fifth, Sixth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States as well as analogous provisions of the Georgia Constitution, on the following separate and several grounds:

- (a) that civil procedures pursuant to which punitive damages are awarded may result wrongfully in a punishment by a punitive damages award after the fact;
- (b) that civil procedures pursuant to which punitive damages are awarded may result in the award of joint and several judgments against multiple defendants for different alleged acts of wrongdoing;
- (c) that civil procedures pursuant to which punitive damages are awarded fail to provide means for awarding separate judgments against alleged joint tortfeasors;
- (d) that civil procedures pursuant to which punitive damages are awarded fail to provide a limit on the amount of the award against the defendants;
- (e) that civil procedures pursuant to which punitive damages are awarded fail to provide specific standards for the amount of the award of punitive damages;
- (f) that civil procedures pursuant to which punitive damages are awarded fail to provide specific standards for the award of punitive damages;

- (g) that civil procedures pursuant to which punitive damages are awarded permit the award of punitive damages upon satisfaction of a standard of proof less than that applicable to the imposition of criminal sanctions;
- (h) that civil procedures pursuant to which punitive damages are awarded permit multiple awards of punitive damages for the same alleged act;
- (i) that civil procedures pursuant to which punitive damages are awarded fail to provide a clear, consistent appellate standard of review of an award of punitive damages;
- (j) that civil procedures pursuant to which punitive damages are awarded permit the admission of evidence relative to the punitive damages in the same proceeding during which liability and compensatory damages are determined;
- (k) that standards of conduct upon which punitive damages are awarded are vague;
- (l) that civil procedures pursuant to which punitive damages are awarded permit the imposition of excessive fines;
- (m) that civil procedures pursuant to which punitive damages are awarded permit the award of punitive damages upon satisfaction of a standard of proof which is not heightened in relation to the standard of proof for ordinary civil cases;
- (n) that civil procedures pursuant to which punitive damages are awarded permit the imposition of arbitrary, capricious or oppressive penalties;
- (o) that civil procedures pursuant to which punitive damages are awarded fail to limit the discretion of the jury in the award of punitive damages.

TENTH DEFENSE

Plaintiff has failed to mitigate its damages, if any.

ELEVENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the prior nuisance doctrine.

TWELFTH DEFENSE

Plaintiff's recovery, if any, should be barred or reduced in proportion to Plaintiff's own fault and culpable conduct, including Plaintiff's own negligence, assumption of the risk, consent, acquiescence, or misuse.

THIRTEENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by their own contributory negligence.

FOURTEENTH DEFENSE

Plaintiff's claims are barred due to the failure to join at least one indispensable party to their claims, and under O.C.G.A. § 9-11-19, either the indispensable party or parties should be joined or the case should be dismissed.

FIFTEENTH DEFENSE

Plaintiff's claimed damages are speculative, remote, and not reasonably foreseeable.

SIXTEENTH DEFENSE

DAI denies that its conduct was in any manner negligent or wanton.

SEVENTEENTH DEFENSE

DAI denies that it or any of its agents or employees breached any duty or obligation allegedly owed to Plaintiff.

EIGHTEENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrine of comparative fault, and to the extent that any other Defendant has settled or may in the future settle with Plaintiff, DAI asserts its entitlement to an appropriate credit, setoff, or reduction of any judgment against it.

NINETEENTH DEFENSE

Plaintiff's claim for attorney's fees fails because there is no contractual, statutory, or other basis for an award of attorney's fees in this lawsuit against DAI. DAI further did not act in a manner that gives rise to a claim for attorney's fees or expenses in this lawsuit.

TWENTIETH DEFENSE

Plaintiff's claims are barred, in whole or in part, by lack of standing.

TWENTY-FIRST DEFENSE

Plaintiff has suffered no legally compensable present injury.

TWENTY-SECOND DEFENSE

Plaintiff's claims are barred, in whole or in part, by the Public Services Doctrine.

TWENTY-THIRD DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrines of consent and/or release.

TWENTY-FOURTH DEFENSE

Plaintiff's claims fail as improper collateral attacks on properly issued permits.

TWENTY-FIFTH DEFENSE

Plaintiff's claims are barred in whole or in part because the alleged harm is divisible and attributable to others.

TWENTY-SIXTH DEFENSE

Plaintiff should be required to provide a more definite statement of its allegations as to each defendant. As currently pleaded, the Complaint violates the group pleading doctrine.

TWENTY-SEVENTH DEFENSE

Plaintiff has not suffered a concrete and particularized injury.

TWENTY-EIGHTH DEFENSE

DAI materially complied with all applicable federal, state, and local permitting requirements, regulations, standards, and guidelines.

TWENTY-NINTH DEFENSE

Any alleged injury or harm was not foreseeable.

THIRTIETH DEFENSE

Plaintiff's claims are barred by the Economic Loss Doctrine.

THIRTY-FIRST DEFENSE

DAI did not owe or breach any duty to Plaintiff.

THIRTY-SECOND DEFENSE

The proximate cause of any alleged injury to Plaintiff was an event or incident that was not legally foreseeable by DAI, and therefore DAI has no legal liability for any of Plaintiff's alleged damages.

THIRTY-THIRD DEFENSE

Plaintiff's nuisance claims fail against DAI because DAI did not and does not have any control over the property that Plaintiff claims to be the source of a nuisance.

THIRTY-FOURTH DEFENSE

Plaintiff's claims are barred by the bulk supplier and sophisticated user doctrines.

THIRTY-FIFTH DEFENSE

Plaintiff's claims are barred in whole or in part to the extent it seeks to impose liability based on retroactive application of laws, regulations, standards, or guidelines.

THIRTY-SIXTH DEFENSE

Any recovery by Plaintiff may be barred or reduced by the negligence, fault, or carelessness of others for whose conduct DAI is not responsible. Any judgment rendered against DAI in this action, under all theories of liability plead, must be limited to the fault, if any, attributable to DAI. DAI is entitled to apportion its fault, if any, with the fault of any and all other persons or entities who are or could be responsible for any of Plaintiff's injuries or damages, regardless of whether such persons or entities are or could have been parties to this action, and regardless of whether Plaintiff was negligent or otherwise at fault. *See, e.g.*, O.C.G.A. § 51-12-33.

THIRTY-SEVENTH DEFENSE

DAI may be entitled to a set-off in the event Plaintiff received or receive payment from any source relating to the facts and circumstances at issue in this lawsuit.

THIRTY-EIGHTH DEFENSE

DAI did not have any duty to warn. Any such duty, if it existed, was either satisfied, discharged, or unnecessary due to the knowledge of risk by others, including Plaintiff. The lack of or alleged inadequacy of any warnings was also not a proximate cause of any of Plaintiff's injuries.

THIRTY-NINTH DEFENSE

Plaintiff's trespass claim against DAI fails because DAI did not interfere or cause any interference with Plaintiff's property, or, if so, any alleged interference was *de minimis*, and Plaintiff cannot show damage to the *res* as a result of the acts or omissions of DAI.

FORTIETH DEFENSE

Plaintiff's trespass claim fails because there was no intentional act by DAI that would support a claim for trespass.

FORTY-FIRST DEFENSE

DAI hereby adopts and incorporates the affirmative defenses set forth by its co-defendants in this case.

RIGHT TO ASSERT ADDITIONAL DEFENSES

DAI reserves the right to assert additional defenses based upon information learned during the course of this litigation and/or through discovery in this action.

[signature on following page]

Dated: August 30, 2024

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Attorneys for Defendant Daikin America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of August, 2024, I caused a copy of the foregoing **DAIKIN AMERICA, INC.'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT** to be filed with the Clerk of the Court using the PeachCourt E-filing system, which will automatically send an email notification of such filing to all attorneys of record.

/s/ David E. Nahmias
David E. Nahmias (GA Bar No. 534106)