

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

EARL PARRIS, JR., Individually, )  
and on Behalf of a Class of Persons )  
Similarly Situated, )

Plaintiff, )

City of SUMMERVILLE, )  
GEORGIA, )

Intervenor-Plaintiff, )

vs. )

Case No.: 4:21-cv-00040-TWT

3M COMPANY, DAIKIN )  
AMERICA, INC., HUNTSMAN )  
INTERNATIONAL, LLC, PULCRA )  
CHEMICALS, LLC, MOUNT )  
VERNON MILLS, INC., TOWN OF )  
TRION, GEORGIA, and RYAN )  
DEJUAN JARRETT, )

Defendants. )

**MOTION TO INTERVENE BY THE**  
**CITY OF SUMMERVILLE, GEORGIA**

COMES NOW, the City of Summerville, Georgia (“Summerville” or “City”),  
and hereby moves to intervene as a Plaintiff in the above-styled case. As grounds  
for this Motion to Intervene pursuant to Rule 24 of the Federal Rules of Civil  
Procedure, Summerville sets forth and says as follows:

1. Among other things, the *Parris* lawsuit claims the people of Summerville that obtain their drinking water from the City:

(H)ave been damaged and continue to be damaged due to the intentional, willful, wanton, reckless and negligent acts by Defendants that have caused and continue to cause PFAS to be discharged into Raccoon Creek contaminating the Summerville drinking water supply with PFAS at toxic levels. By such wrongful acts and omissions, Defendants have created and maintained a continuing public nuisance causing harm and injury to the Plaintiff and Members of the Proposed Class.

(Doc. 1, Complaint, at p. 3, ¶¶ 3 and 4).

2. Summerville sets forth that it has also been damaged and continues to be damaged by the unlawful PFAS<sup>1</sup> pollution present in Raccoon Creek.

3. Summerville is permitted to operate a water treatment plant located at 1082 Filter Plant Road adjacent to Raccoon Creek and Summerville provides treated water to its residents through permits issued by the State of Georgia, as well as the Georgia Environmental Protection Division (“Georgia EPD”).

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<sup>1</sup> The term PFAS used in the lawsuit includes perfluoroalkyl and polyfluoroalkyl substances that are man-made products commonly referred to as “forever chemicals” because of their persistence in the environment. The PFAS category of substances also consists of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) which have been identified in an EPA Health Advisory since 2016. According to the EPA Science Advisory Board and International Agency for Research on Cancer, PFAS has been linked to various types of illnesses including cancer.

4. On January 30, 2020, test data accumulated by the Georgia EPD indicated combined levels of PFOA and PFOS in the finished water (drinking water) from the Racoon Creek treatment plant exceeding safe drinking water levels established by the United States Environmental Protection Agency (“EPA”) Health Advisory level.

5. In response to receiving information of harmful chemicals in the water, and after consulting with Georgia EPD, the City of Summerville issued a Public Notice warning its residents about the potential harm that could be caused by drinking water with PFAS pollutants in excess of the EPA Health Advisory levels.

6. In January 2020, Summerville formally issued a “Notice of Drinking Water Health Advisory Level Exceedance for Racoon Water Plant,” and thereafter the City and the Georgia EPD began providing a supply of 5,000 gallons of water by tanker truck to Summerville so residents could obtain safe drinking water by filling containers with water at City Hall.

7. In order to provide water that was safe to drink, the City of Summerville had to build a Granular Activated Carbon (“GAC”) filtration system, seek alternative sources for its water, consult engineers and experts, and search for long-term solutions to address the dangerous levels of PFAS detected in the City’s water supply.

8. A final long-term solution has not yet been made, but the City has expended large sums of money to address the problem and will continue to spend large sums of money to keep its water safe for many years to come because of the pollution present in Racoon Creek.

9. The City has sustained substantial identifiable damages resulting from pollution in Racoon Creek, which is the subject of the litigation pending before this Court.

10. The City of Summerville therefore moves to intervene in the present lawsuit as a matter of right under Rule 24(a) F.R.C.P., on the grounds that (1) the City's Motion to Intervene is timely; (2) the City has a direct and substantial interest in the property or transactions that is the subject of this action; (3) the disposition of this action could adversely affect the City's interests; and (4) the existing parties to this action cannot adequately represent the City's legal and equitable interests.

11. In the alternative, Summerville contends that it should be permitted to intervene in this lawsuit under the less restrictive legal standard of Rule 24(b) F.R.C.P., on the grounds that the claims and issues raised in the Complaint, and those to be asserted in pleadings on behalf of the Defendants, have questions of law and fact in common with the rights that Summerville seeks to pursue by intervening as a plaintiff.

12. The City of Summerville seeks to hold the manufacturers and distributors of the perfluorochemicals (including PFOS, PFOA and PFAS) responsible for the pollution of the City's water supply in Racoon Creek by seeking intervention against Defendants 3M Company, Daikin America, Inc., Huntsman International, LLC, and Pulcra Chemicals, LLC.

13. Intervention by Summerville will promote the interests of judicial economy and fairness without causing prejudice or undue delay. Moreover, allowing Summerville to intervene as a Plaintiff will avoid duplicative litigation and combine the City's legal claims against the Defendants with the claims of the Parris Plaintiffs (Individually and as a Class Representative) to be adjudicated in a single case currently before this Court.

14. The attorneys for Plaintiff Earl Parris, Jr., Individually and on Behalf of a Class of Persons Similarly Situated, do not oppose the City of Summerville's Motion to Intervene. The undersigned counsel has also requested the consent of the Defendants but at this point the Defendants have not taken a final position to give their unanimous consent.

15. A copy of the City of Summerville's proposed Complaint in Intervention to be filed with this Court upon the granting of this Motion to Intervene is attached hereto as Exhibit "A."

WHEREFORE, PREMISES CONSIDERED, for the foregoing reasons, the City of Summerville, Georgia respectfully requests that it be allowed to intervene as a plaintiff in this case.

Respectfully submitted this the 4th day of May, 2021.

*/s/ J. Anderson Davis*

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Northern District of Georgia Civil Local Rule 7.1.D., the undersigned counsel certifies that the foregoing filing is prepared in Times New Roman 14-point font, as mandated in Local Rule 5.1.C.

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing *Motion to Intervene by the City of Summerville, Georgia* has been filed electronically with the Clerk of Court by using the CM/ECF system which will automatically email all counsel of record on this the 4th day of May, 2021.

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