UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHY THIEDE, individually and on behalf of all others similarly situated, Plaintiffs, v. **M.C. TANK TRANSPORT, INC., and THE KENAN ADVANTAGE GROUP, INC.,** Defendants.	Case No. Hon. **CLASS ACTION COMPLAINT**

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff Kathy Thiede, individually and on behalf of all others similarly situated, by counsel and for the causes of action against the Defendants, M.C. Tank Transport, Inc., and The Kenan Advantage Group, Inc., respectfully alleges and states as follows:

INTRODUCTION

1. On October 20, 2026, a chemical-transfer operation at M.C. Tank Transport's facility in North Toledo resulted in an uncontrolled chemical reaction and the release of glycidyl methacrylate ("GMA") and associated chemical vapors into the surrounding atmosphere.

2. GMA is a reactive industrial chemical capable of undergoing exothermic polymerization when subjected to improper temperature or other conditions. The reaction occurred inside an approximately 5,500-gallon intermodal tank containing GMA, generating heat and pressure until the tank became compromised and the chemical release began.

3. The incident quickly developed into a regional hazardous-materials emergency. Toledo officials ordered the evacuation of residents within one mile of the facility and, several hours later, established a three-mile shelter-in-place perimeter. Residents within that area were

directed to remain indoors, close windows and exterior doors, and shut down ventilation systems capable of drawing outside air into their homes.

4. The M.C. Tank facility is located at 1266 Progress Avenue in North Toledo, near the Michigan border. The emergency was not confined to Ohio; the three-mile shelter-in-place perimeter crossed the state line into Monroe County, Michigan.

5. Residents in Ohio and southern Michigan, including residents both inside and outside the formal emergency-response perimeter, reported chemical odors and interference with the use and enjoyment of their homes.

6. Plaintiff's investigation has identified reports associated with the release at residential locations extending well beyond the three-mile shelter-in-place perimeter, including locations approaching twelve miles from the M.C. Tank facility.

7. Based upon the cross-border nature of the release, the duration of the event, and the geographic scope of reports received to date, Plaintiff has defined the proposed Class using a fifteen-mile radius from the M.C. Tank facility.

8. The fifteen-mile boundary provides an objective and administratively workable geographic area encompassing the presently identified scope of the event and surrounding residential communities, subject to refinement as the movement and dispersion of released material are determined through discovery and expert analysis.

9. The geographic extent of the release will be evaluated through common evidence, including the duration and characteristics of the release, meteorological conditions, governmental records, environmental monitoring and sampling, and atmospheric-dispersion analysis.

10. The governmental shelter-in-place perimeter was established as an emergency-response measure based in part upon preliminary plume modeling. It was not intended to define the ultimate geographic extent of the release.

11. Air monitoring likewise began after the release was underway and was conducted at selected locations rather than continuously throughout the surrounding community. EPA personnel arrived at approximately 2:30 a.m. on October 21 and began mobile monitoring at approximately 6:00 a.m.

12. EPA later expanded its monitoring and sampling efforts, and its TAGA mobile laboratory began real-time sampling throughout surrounding residential and commercial areas on the evening of October 23, after the active release had ended. Those data will form part of the evidence used to determine the movement and extent of the release.

13. Emergency personnel attempted to contain the release but were unable to stop the chemical reaction. When direct intervention at the compromised tank became unsafe, officials allowed the reaction to proceed while evacuation and shelter-in-place measures remained in effect.

14. The release continued into October 22, and the remaining evacuation order was lifted on October 23.

15. Public officials subsequently reported that an improper temperature condition had been introduced during the transfer operation and initiated the reaction. Toledo Mayor Wade Kapszukiewicz further reported that M.C. Tank had accepted responsibility for the incident.

16. The principal liability issues include the cause of the reaction; the adequacy of transfer procedures, temperature controls, equipment, monitoring systems, alarms, interlocks, training, and supervision; the timing and adequacy of the response to the developing reaction; and the respective responsibilities of M.C. Tank and KAG.

17. These liability issues arise from a single occurrence and are common to the residents whose homes and property were affected by the release.

18. Accordingly, Plaintiff brings this action on behalf of persons whose residential property was located within fifteen miles of the M.C. Tank facility, with separate Michigan and Ohio Subclasses to address differences in the substantive law of the two States.

19. Plaintiff and the proposed Class seek recovery for interference with residential property, loss of use and enjoyment, evacuation and displacement expenses, cleaning and property losses, and other compensable economic harm resulting from the release.

20. Claims for personal injury are excluded from the proposed Class and are preserved for the individuals who possess them.

PARTIES

21. Plaintiff Kathy Thiede is an adult citizen of Michigan domiciled in Erie, Michigan.

22. At all relevant times, Plaintiff owned and occupied the residential property located at 2077 Lotus Drive, Erie, Michigan 48133.

23. Plaintiff's residence is approximately 2.1 miles from the M.C. Tank facility and was located within the three-mile shelter-in-place area established during the release.

24. During the evening of October 20, while the uncontrolled release was ongoing, Plaintiff detected a strong metal- or acid-like chemical odor at their residence and observed unusual hazy or cloudy atmospheric conditions outside their home.

25. In the early morning hours of October 21, Plaintiff received an emergency alert concerning the chemical release and sheltered in place at her residence in accordance with the protective measures imposed for the surrounding community.

26. The chemical odors and visible atmospheric conditions experienced at Plaintiff's residence reflected the off-site migration of chemical material and vapors from the release into the residential area surrounding their property and directly interfered with Plaintiff's use and enjoyment of her home.

27. The release subjected Plaintiff's residence, outdoor areas, and personal property to the conditions created by the off-site migration of chemical material, vapors, and airborne constituents. Upon information and belief, released material physically contacted, deposited upon, and/or otherwise physically affected Plaintiff's real or personal property. The precise nature and extent of those physical effects remain under investigation.

28. Plaintiff also sustained economic loss associated with the incident, including lost work time and other expenses incurred as a result of the release and the resulting disruption of her household.

29. Because Plaintiff resided in Michigan within the proposed fifteen-mile radius during the release, she is a member of the proposed Class and Michigan Subclass.

30. Defendant M.C. Tank Transport, Inc. ("M.C. Tank") is an Ohio corporation with its principal place of business in West Chester, Ohio.

31. M.C. Tank transports and handles liquid bulk chemicals and ISO containers.

32. M.C. Tank operates the terminal at 1266 Progress Avenue in Toledo, Ohio, where the October 20 release occurred.

33. M.C. Tank publicly identifies Detroit, Michigan as a satellite location managed by its Toledo terminal.

34. The Toledo terminal therefore operates as part of a regional chemical-transportation network that serves both Ohio and Michigan.

35. Defendant The Kenan Advantage Group, Inc. ("KAG") is a Delaware corporation with its principal place of business in North Canton, Ohio.

36. KAG is a specialized transportation and logistics company whose operations include the transportation of chemicals throughout the United States and Canada.

37. KAG acquired M.C. Tank effective March 31, 2025.

38. In announcing the acquisition, KAG stated that M.C. Tank's operations would be combined with KAG's existing fleet and network to expand KAG's chemical-transportation and ISO-container capabilities.

39. The acquisition added approximately 175 professional drivers, 70 operational and administrative employees, 100 tractors, and 500 trailers and chassis to KAG's organization.

40. M.C. Tank's president publicly stated that the acquisition would provide M.C. Tank access to KAG's resources, technology, capabilities, and operational expertise.

41. Upon information and belief, following the acquisition KAG integrated or assumed responsibility for portions of the operational, technological, safety, training, compliance, environmental, and/or management functions applicable to M.C. Tank's chemical-transportation business.

42. Those post-acquisition functions are relevant to the safety procedures, training, technology, equipment, monitoring, compliance, and management systems applicable to M.C. Tank's chemical-handling operations, including operations conducted through the Toledo terminal.

43. At all relevant times, the employees and agents whose conduct is alleged herein acted within the course and scope of their employment or agency.

JURISDICTION

44. This Court has original subject-matter jurisdiction under the Class Action Fairness Act of 2005 ("CAFA"), 28 U.S.C. § 1332(d)(2)(A), because the proposed Class satisfies CAFA's numerosity, minimal-diversity, and amount-in-controversy requirements.

45. The proposed Class consists of substantially more than 100 members, satisfying 28 U.S.C. § 1332(d)(5)(B).

46. Plaintiff is a citizen of Michigan, and Defendants are citizens of States other than Michigan, satisfying CAFA's minimal-diversity requirement under 28 U.S.C. § 1332(d)(2)(A).

47. The claims of the proposed Class, aggregated as authorized by 28 U.S.C. § 1332(d)(6), exceed $5,000,000, exclusive of interest and costs.

48. The amount in controversy includes damages for loss of use and enjoyment of residential property, evacuation and displacement expenses, cleaning and restoration costs, physical damage to real and personal property where established, replacement expenses, recoverable lost income, and other nuisance and economic losses arising from the release.

PERSONAL JURISDICTION AND VENUE

49. This Court may exercise specific personal jurisdiction over M.C. Tank because M.C. Tank purposefully conducts chemical-transportation business in Michigan through a Detroit satellite operation managed by the Toledo terminal, and Plaintiff's claims arise out of or relate to a release from that same regional operation that caused consequences at Michigan residences.

50. M.C. Tank specifically identifies Detroit, Michigan as a satellite operation managed by the same Toledo terminal involved in the release at issue.

51. This Court may exercise specific personal jurisdiction over KAG because, through its acquisition and integration of M.C. Tank, KAG purposefully availed itself of M.C. Tank's existing regional chemical-transportation operations and terminal network, including the Toledo terminal and its Detroit satellite operation, and the claims arise out of or relate to the operational, safety, training, technological, compliance, and management functions KAG allegedly undertook with respect to that integrated business.

52. At the time of the release, the Toledo terminal and its Detroit satellite operation were part of M.C. Tank's regional chemical-transportation business, which KAG had acquired and integrated into its broader transportation organization.

53. The claims of Plaintiff and the Michigan Subclass arise from the release at that Toledo operation, which served the Michigan market through the Detroit satellite operation and

whose consequences crossed the state boundary and interfered with residential property interests located in Michigan.

54. Michigan has a substantial interest in providing a forum for residents whose homes and property interests were affected by an interstate chemical release.

55. The exercise of personal jurisdiction over Defendants comports with traditional notions of fair play and substantial justice.

56. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2).

57. A substantial portion of the property that is the subject of Plaintiff's Michigan claims is located within this District, and substantial consequences giving rise to those claims occurred here.

THE OCTOBER 20 CHEMICAL RELEASE

58. M.C. Tank's Toledo terminal is engaged in the transportation and handling of bulk industrial chemicals, including chemicals transported in tanker and ISO-container operations.

59. On the evening of October 20, 2026, M.C. Tank personnel were conducting a transfer operation involving glycidyl methacrylate ("GMA") contained within an approximately 5,500-gallon intermodal tank at the Toledo facility.

60. GMA is a reactive and polymerizable industrial chemical. When subjected to excessive heat or other incompatible conditions, GMA can undergo an exothermic polymerization reaction capable of generating substantial additional heat and pressure.

61. The safe transfer and handling of GMA therefore requires strict control of temperature and other process conditions, adherence to appropriate transfer procedures, properly trained personnel, functioning equipment and monitoring systems, and safeguards capable of detecting and responding to conditions that could initiate or accelerate polymerization.

62. During the October 20 transfer operation, an abnormal temperature condition was introduced into the intermodal tank containing GMA.

63. Toledo Mayor Wade Kapszukiewicz subsequently reported that an M.C. Tank employee introduced a temperature to the tank while attempting to transfer the material and that this action initiated the chemical reaction. Ohio EPA likewise reported that an error occurred while the material was being transferred.

64. The introduction of the improper temperature condition caused or contributed to an uncontrolled polymerization reaction within the tank.

65. Because polymerization is exothermic, the developing reaction generated additional heat within the tank. As the reaction progressed, the increasing temperature accelerated the reaction and caused pressure to build within the intermodal tank.

66. The tank became compromised and began releasing chemical material and vapors into the surrounding atmosphere.

67. At approximately 9:30 p.m. on October 20, a 911 call alerted Toledo Fire & Rescue to an active release from the tank at M.C. Tank's facility.

68. The conditions at the facility presented a sufficiently serious risk that, by approximately 10:48 p.m., Toledo Fire & Rescue ordered the evacuation of persons within one mile of the facility because of the potential for an explosion.

69. Emergency personnel attempted to contain the release. Those efforts were unsuccessful, and the chemical reaction continued within the compromised tank.

70. By the morning of October 21, EPA reported that the tank remained compromised, that the chemical release was continuing, and that the GMA within the tank was continuing to undergo the reaction.

71. The continuing reaction created conditions that prevented emergency personnel from safely approaching and directly intervening with the tank. Officials consequently

determined that the safer course was to maintain protective measures for the surrounding community while allowing the reaction to proceed toward completion.

72. The chemical release was not a momentary discharge. The compromised tank continued releasing material through October 21 and into October 22.

73. As the reaction subsided and the temperature within the tank decreased, officials progressively reduced the evacuation area. The City reported that the tank stopped releasing material at approximately 6:00 p.m. on October 22, nearly two days after the incident began.

74. Public officials attributed the initiating event to an error occurring during M.C. Tank's transfer of the GMA.

75. The transfer operation was conducted by M.C. Tank personnel using the procedures, equipment, monitoring systems, and safety measures applicable to the Toledo operation. As alleged herein, KAG's post-acquisition role included, upon information and belief, operational, safety, training, technological, compliance, and management functions applicable to M.C. Tank's chemical-handling operations.

THE EMERGENCY RESPONSE

76. The uncontrolled reaction and continuing release required a coordinated hazardous-materials response involving Toledo Fire & Rescue, the United States Environmental Protection Agency ("EPA"), Ohio EPA, local emergency-management personnel, public-health officials, and other federal, state, and local agencies.

77. At approximately 9:30 p.m. on October 20, Toledo Fire & Rescue received a 911 report of an active release from the intermodal tank at M.C. Tank's facility.

78. As responders evaluated the developing conditions, the continuing chemical reaction and increasing temperature and pressure within the tank created concern that the tank could fail catastrophically.

79. At approximately 10:48 p.m., Toledo Fire & Rescue ordered the evacuation of all persons within one mile of the facility because of the threat of explosion.

80. EPA was requested to provide federal technical assistance around midnight and arrived at the site at approximately 2:30 a.m. on October 21.

81. EPA provided technical support to Toledo Fire & Rescue, including air monitoring and a request for atmospheric plume modeling to assist local officials in evaluating appropriate protective measures for the surrounding community.

82. At approximately 4:24 a.m., based in part upon preliminary plume modeling, Toledo Fire & Rescue expanded the protective area and directed all persons within three miles of the facility to shelter in place.

83. The three-mile shelter-in-place perimeter crossed the Ohio-Michigan state line into Monroe County, Michigan.

84. Residents within the shelter-in-place area were instructed to remain indoors, close windows and exterior doors, and limit or discontinue the introduction of outside air into their homes.

85. The protective measures were not limited to persons residing within the formal evacuation and shelter-in-place boundaries. During the response, City officials also advised persons outside those zones who detected an unusual chemical odor to remain indoors, close windows and doors, and turn off ventilation systems drawing outside air into their homes.

86. EPA began roving air monitoring at approximately 6:00 a.m. on October 21 for volatile organic compounds and particulates along the perimeter of the evacuation area, supplementing monitoring being conducted by Toledo Fire & Rescue and the potentially responsible party.

87. By the afternoon of October 21, EPA had established four stationary air-monitoring locations positioned north, east, south, and west of the incident, together with three stationary air-sampling locations.

88. As the response continued, EPA expanded that network to eight stationary monitoring locations and seven stationary sampling locations.

89. The protective zones remained in place while the chemical reaction continued within the compromised tank. The release could not be stopped through direct intervention, and responders continued to evaluate tank temperature, air conditions, and the progression of the reaction before reducing the emergency restrictions.

90. At approximately 5:00 p.m. on October 21, as air conditions improved and the temperature within the tank decreased, Toledo Fire & Rescue lifted the three-mile shelter-in-place order and reduced the evacuation area to one-half mile.

91. At approximately 10:30 a.m. on October 22, officials further reduced the evacuation area to one-quarter mile as conditions continued to improve.

92. Notwithstanding those reductions, the tank remained actively involved in the chemical reaction and continued releasing material until approximately 6:00 p.m. on October 22.

93. Only after the release had stopped and responders were able to approach and inspect the tank did officials move toward terminating the remaining evacuation order.

94. At approximately noon on October 23, Toledo Fire & Rescue lifted the final evacuation zone after verifying completion of the material release.

95. The emergency response nevertheless continued. EPA and Ohio EPA remained involved in air monitoring, sampling, site evaluation, and oversight of cleanup activities.

96. EPA's Trace Atmospheric Gas Analyzer ("TAGA") mobile laboratory began real-time air sampling throughout surrounding residential and commercial areas during the evening of October 23 and continued operating in the community thereafter.

97. Public-health officials also issued return-home guidance addressing potential effects of the release upon residences. Residents were advised, where appropriate, to ventilate their homes, clean surfaces upon which chemical vapors or airborne material may have settled, and discard uncovered food and other exposed items.

98. The scope and duration of these protective measures demonstrate that the incident was not confined to M.C. Tank's property. For more than two days, public officials imposed and adjusted evacuation and shelter-in-place measures, monitored conditions throughout the surrounding community, and issued protective and cleanup guidance to residents in response to the off-site consequences of the release.

99. That return-home guidance reflected concern that chemical vapors or airborne material released during the incident could have settled upon household, personal-property, and outdoor surfaces even after airborne conditions had improved.

100. Residents were further advised to discard exposed food, including uncovered fruits, vegetables, pet food, and water that had been left outside or otherwise exposed during the release. The Ohio State University Extension separately recommended that residents and businesses dispose of produce or crops that had been outdoors within the three-mile shelter-in-place area.

101. The City of Toledo also undertook the cleaning of all playgrounds located within the three-mile shelter-in-place area in accordance with public-health guidance.

102. These measures demonstrate that the governmental response extended beyond concerns regarding transient airborne conditions. Public officials considered the possibility that material released from the M.C. Tank facility could settle upon residential and outdoor surfaces and affect food, produce, and areas of public use, resulting in cleaning, disposal, and other protective measures throughout the affected community.

EFFECTS ON THE SURROUNDING COMMUNITY

103. The effects of the October 20 release extended well beyond the boundaries of M.C. Tank's Toledo terminal and substantially disrupted residential life throughout the surrounding community.

104. Nearly 1,000 residents living within the initial one-mile evacuation area were ordered to leave their homes because of the hazards presented by the continuing chemical reaction and the potential for an explosion.

105. Those residents were required to evacuate on short notice during the nighttime hours, leaving their homes and belongings while the duration of the emergency remained uncertain.

106. Several hours later, the protective response expanded substantially when more than 50,000 persons within three miles of the facility were directed to shelter in place.

107. The three-mile shelter-in-place perimeter crossed the Ohio-Michigan state line into Monroe County, Michigan, confirming that the consequences of the release were not confined to Ohio.

108. Residents subject to the shelter-in-place directive were required to remain inside their homes, close windows and exterior doors, restrict the introduction of outside air, keep pets indoors, and refrain from the ordinary use of yards and other outdoor areas.

109. The release therefore interfered directly with the ordinary use and enjoyment of residential property. Residents could not freely enter and leave their homes, use outdoor portions of their property, ventilate their residences in the ordinary manner, or conduct normal household activities while the protective measures remained in effect.

110. The effects of the incident were not limited to persons located within the formal evacuation and shelter-in-place boundaries. During the continuing release, City officials advised

persons outside those zones who detected an unusual chemical odor to go indoors, close windows and doors, and shut down ventilation systems drawing outside air.

111. Residents in Ohio and southern Michigan reported chemical odors associated with the release. Plaintiff's investigation has identified reports associated with the incident at residential locations extending well beyond the three-mile shelter-in-place perimeter, including locations approaching twelve miles from the M.C. Tank facility.

112. The release also disrupted the broader community. Schools, businesses, libraries, public facilities, municipal operations, transportation routes, and major employers altered, suspended, or closed operations in response to the emergency.

113. The consequences continued after the formal evacuation and shelter-in-place restrictions were reduced and ultimately lifted.

114. As described above, public-health authorities issued guidance concerning ventilation and cleaning of residences, disposal of exposed food and other items, and the cleaning of outdoor public areas. Those measures reflected concern regarding the potential for released chemical material or vapors to affect residences, household surfaces, exposed property, food, produce, and outdoor areas.

115. Residents consequently faced property-related consequences extending beyond temporary restrictions on movement. Those consequences included the need to ventilate and clean residences, inspect and clean personal property, discard and replace exposed food and other items, and take other reasonable measures before returning to ordinary use of their homes.

116. Class members also incurred or sustained, as applicable, evacuation and displacement expenses, transportation and temporary lodging expenses, lost work or income, cleaning and replacement costs, interference with residential property, and loss of use and enjoyment of their homes.

117. The governmental evacuation and shelter-in-place boundaries were established as protective measures during a developing emergency. They were not determinations of the ultimate geographic extent of the chemical release or the residential properties affected by it.

118. Plaintiff's investigation has identified reports associated with the release at residential locations approaching twelve miles from the M.C. Tank facility. The fifteen-mile proposed Class radius provides an objective geographic boundary encompassing those presently identified reports and the surrounding area while permitting the precise geographic extent of the release to be further evaluated through discovery, meteorological evidence, environmental sampling, and atmospheric-dispersion analysis.

119. The scope of the governmental response, the extension of protective measures into Michigan, the disruption of residential and community activities, the reports received from residents beyond the formal emergency zones, and the property-related precautions required after the release collectively demonstrate the substantial and geographically widespread off-site consequences of the October 20 chemical release.

CLASS ACTION ALLEGATIONS

120. Plaintiff brings this action as a class action pursuant to Rules 23(a), 23(b)(3), and 23(c)(4) of the Federal Rules of Civil Procedure.

A. Proposed Class

121. Plaintiff seeks certification of the following Class:

> **All persons who, during October 20 through October 23, 2026, owned, rented, occupied, or resided in residential property located within fifteen miles of the M.C. Tank Transport facility at or near 1266 Progress Avenue, Toledo, Ohio.**

122. Plaintiff further seeks certification of the following state-specific Subclasses:

> **Michigan Subclass:** All members of the Class whose qualifying residential property was located in Michigan.

Ohio Subclass: All members of the Class whose qualifying residential property was located in Ohio.

123. Claims for personal injury, medical monitoring, future disease, and wrongful death are excluded from the proposed Class.

124. Plaintiff reserves the right to seek certification of additional subclasses as warranted by the evidence, including subclasses based upon property ownership, evacuation status, or physical impact to property.

125. The fifteen-mile boundary provides an objective geographic criterion for determining membership in the proposed Class, which can be ascertained through residential addresses and ordinary geographic records.

126. Plaintiff reserves the right to amend or refine the Class and Subclass definitions as investigation and discovery proceed.

B. Numerosity

127. The members of the proposed Class are so numerous that joinder of all members is impracticable.

128. The proposed geographic area encompasses substantial residential portions of northwest Ohio and southern Michigan and, upon information and belief, includes hundreds and likely thousands of potential Class members.

C. Commonality

129. Commonality is satisfied because this action arises from a single chemical-transfer operation at a single facility and the uncontrolled reaction and release that followed.

130. Questions of law and fact common to the Class include:

a. what occurred during the October 20 GMA transfer;

b. what caused the polymerization reaction;

c. what temperature or other abnormal condition initiated or accelerated the reaction;

d. what procedures governed the transfer;

e. whether those procedures were adequate and were followed;

f. whether the personnel involved were properly trained and supervised;

g. whether appropriate temperature controls, alarms, sensors, interlocks, and other safeguards were available and functioning;

h. when Defendants first knew or should have known that an uncontrolled reaction was developing;

i. whether reasonable measures could have prevented or reduced the reaction and release;

j. whether the tank and associated equipment were properly inspected, maintained, and operated;

k. the duration and characteristics of the release;

l. how the released material moved through the surrounding community;

m. the respective responsibilities of M.C. Tank and KAG; and

n. whether Defendants breached duties owed to persons living in the surrounding community.

131. The answers to these questions will be derived principally from evidence common to the Class, including Defendants' records and electronic data, employee and corporate testimony, governmental records, environmental evidence, meteorological information, and expert analysis.

132. Resolution of these common questions will materially advance the claims of Plaintiff and the proposed Class.

D. Typicality

133. Plaintiff's claims arise from the same transfer operation, chemical reaction, and release that give rise to the claims of the proposed Class.

134. Plaintiff challenges the same procedures, training, supervision, equipment, safety systems, and corporate conduct that will be at issue in the claims of other Class members.

135. Plaintiff's claims are therefore typical of the claims of the Michigan Subclass and of the common liability issues presented on behalf of the Class.

136. The use of separate Michigan and Ohio Subclasses permits material differences in state law to be addressed without altering the common factual basis of the litigation.

E. Adequacy

137. Plaintiff's interests are aligned with those of the proposed Class and the Michigan Subclass.

138. Plaintiff has no interests antagonistic to those of absent Class members and will fairly and adequately protect their interests.

139. Plaintiff has retained Dubin Law PLLC and Bryson Harris Suciu & DeMay PLLC to prosecute this action.

140. Proposed Class Counsel possess substantial experience in class actions, complex litigation, environmental and property-damage matters, and litigation involving large groups of similarly situated claimants.

141. Counsel have investigated the claims asserted herein and are prepared to devote the resources necessary to prosecute this action on behalf of the proposed Class.

F. Predominance

142. Questions concerning Defendants' conduct and responsibility for the reaction and release predominate over questions affecting only individual Class members.

143. The central liability issues arise from one transfer operation, one tank, one chemical reaction, and one resulting release.

144. The cause of the reaction, the adequacy of operating procedures, the training and supervision of personnel, the condition of the equipment, the functioning of safety systems, and Defendants' response to the developing emergency are common issues that do not vary from household to household.

145. Likewise, the geographic dispersion of the release can be evaluated through evidence applicable to the Class as a whole.

146. Individual differences in the nature or amount of damages do not predominate over these common liability questions.

147. Material differences between Michigan and Ohio law can be addressed through the proposed state-specific Subclasses.

G. Superiority

148. A class action is superior to other available methods for the fair and efficient adjudication of the claims asserted herein.

149. Separate litigation would require repeated discovery concerning the same personnel, procedures, equipment, electronic records, safety systems, corporate practices, governmental response, and expert evidence.

150. Moreover, many of the nuisance and property losses at issue would not economically justify the expense of separate complex litigation.

151. A single adjudication of the common liability issues will conserve judicial and party resources and reduce the risk of inconsistent findings concerning the same occurrence.

H. Rule 23(c)(4)

152. In the alternative, Plaintiff seeks certification under Rule 23(c)(4) of common issues that can be resolved through class wide evidence.

153. Those common issues include the cause of the chemical reaction; the events occurring during the transfer; the adequacy of Defendants' procedures and safeguards; employee training and supervision; Defendants' response to the developing reaction; the respective responsibilities of M.C. Tank and KAG; the duration and character of the release; and the geographic movement of released material.

154. Certification and resolution of these common issues would materially advance the litigation even if particular damages issues later require individualized proceedings.

COUNT I
PRIVATE NUISANCE — MICHIGAN
Michigan Subclass

155. Plaintiff incorporates by reference the preceding allegations as though fully set forth herein.

156. Plaintiff and members of the Michigan Subclass owned, leased, occupied, or otherwise possessed legally protected interests in residential property located in Michigan.

157. M.C. Tank conducted the chemical-handling and transfer operation at the Toledo facility that resulted in the uncontrolled polymerization of GMA, compromise of the intermodal tank, and off-site release of chemical material and vapors into the surrounding atmosphere.

158. The release extended beyond the boundaries of the Toledo facility and into the surrounding residential community, including southern Michigan.

159. The off-site migration of chemical odors, vapors, and airborne material, and the resulting interference with ordinary residential use, constituted a nontrespassory invasion of Plaintiff's and Michigan Subclass members' interests in the private use and enjoyment of their residential property.

160. The interference was actual and substantial. Residents were required, as applicable, to remain inside their homes, close windows and exterior doors, restrict or discontinue outside ventilation, avoid yards and other outdoor areas, leave their homes, clean

residential surfaces and personal property, discard exposed food and other items, and otherwise alter the ordinary use and occupation of their property because of the release.

161. The interference was neither minor nor momentary. The active chemical release continued for nearly two days, protective measures extended into Michigan, and residents were required to alter the ordinary use of their homes during and after the release.

162. The release disturbed the comfort and convenience ordinarily associated with residential occupancy by subjecting residents to chemical odors, restrictions on movement and outdoor activity, limitations upon normal ventilation, and the need to undertake protective measures directed at their homes and property.

163. The resulting invasion caused significant harm to the use and enjoyment of Plaintiff's and Michigan Subclass members' residential property.

164. The interference was substantial and unreasonable in light of its nature, duration, geographic reach, the hazardous characteristics of the chemical involved, and the extent to which the release disrupted the ordinary residential use of neighboring property.

165. M.C. Tank created the condition giving rise to the nuisance through its storage, handling, transfer, monitoring, and control of GMA and through the acts and omissions of its personnel in conducting the October 20 transfer operation.

166. The allegations concerning KAG's acquisition and post-acquisition integration of M.C. Tank, including KAG's provision of resources, technology, operational capabilities, and centralized functions, are incorporated herein. Upon information and belief, those functions included safety, training, operational support, compliance, management, and/or other functions applicable to M.C. Tank's chemical-handling operations.

167. Upon information and belief, KAG, through its own acts and omissions in the performance of those functions, caused or contributed to the conditions that resulted in the uncontrolled reaction and off-site release, including conditions relating to transfer procedures,

employee training and supervision, temperature-control practices, monitoring systems, safety controls, and safeguards against uncontrolled chemical reactions.

168. M.C. Tank's conduct in carrying out the transfer operation and KAG's conduct in performing the functions it undertook were each a factual and legal cause of, or contributed to, the condition that produced the off-site release and resulting invasion of residential property.

169. The invasion was unintentional but was otherwise actionable under the rules governing negligent and/or reckless conduct because Defendants failed to exercise reasonable care in the respective chemical-handling, operational, safety, training, supervisory, technological, compliance, and management functions undertaken by each of them.

170. Defendants knew or reasonably should have known that improper handling or temperature control of GMA could initiate an uncontrolled exothermic polymerization reaction capable of generating heat and pressure, compromising containment, and causing an off-site chemical release affecting neighboring property.

171. The resulting invasion of Plaintiff's and Michigan Subclass members' property interests was a foreseeable consequence of the acts and omissions alleged herein.

172. Defendants' respective conduct was a factual and proximate cause of the substantial interference with Plaintiff's and Michigan Subclass members' use and enjoyment of their residential property.

173. The lawful operation of a chemical-transportation and transfer business does not permit the creation of an off-site chemical condition that substantially and unreasonably interferes with neighboring residents' use and enjoyment of their homes.

174. As a direct and proximate result of the private nuisance, Plaintiff and members of the Michigan Subclass sustained damages arising from the substantial interference with the use and enjoyment of their residential property, including loss of use and enjoyment, inconvenience and annoyance associated with the interference with their property interests, reasonable cleaning

and response expenses, evacuation and displacement expenses where incurred, disposal and replacement costs for exposed food, personal property, and other items, and such other property-related damages as are recoverable under Michigan law.

COUNT II
NEGLIGENCE — MICHIGAN
Michigan Subclass

175. Plaintiff incorporates by reference the preceding allegations as though fully set forth herein.

176. Defendants were engaged in the transportation, handling, transfer, management, and oversight of reactive industrial chemicals whose improper handling created a foreseeable risk of harm to persons and property beyond the boundaries of the Toledo facility.

177. Under Michigan law, an entity undertaking such activities owes a duty to exercise reasonable care in the performance of those activities so as not to unreasonably endanger the persons or property of others.

178. M.C. Tank undertook the storage, handling, and transfer of GMA at the Toledo facility and owed a duty to conduct those operations with reasonable care.

179. That duty included the obligation to establish and follow appropriate procedures for the transfer of GMA; maintain proper temperature and process conditions; adequately train and supervise personnel; use properly functioning transfer and monitoring equipment; provide appropriate alarms, controls, interlocks, and other safeguards; inspect and maintain equipment involved in the transfer; recognize and respond appropriately to abnormal conditions; and take reasonable measures to prevent the escape of chemical material from the facility.

180. Defendants knew or reasonably should have known that GMA is capable of undergoing an exothermic polymerization reaction when subjected to improper temperature or other incompatible conditions and that an uncontrolled reaction could generate substantial heat and pressure, compromise containment, and result in an off-site chemical release.

181. The risk that improperly handled GMA could undergo an uncontrolled reaction and damage neighboring property was a foreseeable consequence of failing to exercise reasonable care in the handling, transfer, monitoring, and control of the chemical.

182. During the October 20 transfer operation, an improper temperature condition was introduced into the intermodal tank containing GMA. That condition initiated or contributed to an uncontrolled polymerization reaction, resulting in increasing heat and pressure, compromise of the tank, and the prolonged release of chemical material and vapors into the surrounding community.

183. M.C. Tank, through its employees and agents acting within the course and scope of their employment or agency, breached its duties of reasonable care in one or more of the following respects:

a. failing to safely conduct the transfer of GMA;

b. introducing or permitting an improper temperature condition during the transfer;

c. failing to adequately monitor and control temperature and other conditions capable of initiating or accelerating polymerization;

d. failing to establish, implement, and enforce adequate procedures governing the transfer and handling of GMA;

e. failing to adequately train and supervise the personnel responsible for the transfer;

f. failing to provide, maintain, and properly utilize adequate monitoring equipment, alarms, interlocks, controls, and other safeguards capable of preventing or detecting an uncontrolled reaction;

g. failing to adequately inspect and maintain the equipment used in connection with the transfer;

h. failing to timely recognize and appropriately respond to the developing abnormal condition before the reaction became uncontrolled;

i. failing to take reasonable measures to prevent compromise of the tank and the resulting off-site release; and

j. otherwise failing to exercise reasonable care in the storage, handling, transfer, monitoring, and control of GMA.

184. The allegations concerning KAG's March 31, 2025 acquisition and post-acquisition integration of M.C. Tank, including KAG's provision of resources, technology, operational capabilities, and centralized support, are incorporated herein.

185. Following the acquisition, KAG integrated M.C. Tank into KAG's broader chemical-transportation organization and, upon information and belief, undertook and exercised responsibility for functions affecting M.C. Tank's operations, including safety, training, technology, operational support, compliance, and/or management functions applicable to the handling and transportation of hazardous chemicals.

186. Having undertaken those functions, KAG owed a duty to exercise reasonable care in their performance so as not to increase the risk of harm to persons and property foreseeably affected by M.C. Tank's chemical-handling operations.

187. Upon information and belief, KAG breached its own duties of reasonable care by failing to exercise reasonable care in one or more of the safety, training, operational, technological, compliance, supervisory, or management functions it undertook with respect to M.C. Tank's chemical-handling operations, including failures relating to transfer procedures, personnel training and supervision, temperature-control practices, monitoring systems, safety controls, and safeguards against uncontrolled chemical reactions.

188. KAG's liability alleged in this Count is based upon its own acts, omissions, and undertakings following its acquisition of M.C. Tank and is independent of liability arising merely from its status as M.C. Tank's corporate parent.

189. The uncontrolled reaction and resulting off-site chemical release were foreseeable consequences of the acts and omissions alleged above.

190. Chemical material, vapors, and airborne constituents released from the M.C. Tank facility migrated into surrounding Michigan residential areas, including the area of Plaintiff's residence.

191. Plaintiff personally detected and observed conditions associated with that migration at her property. Upon information and belief, released material physically contacted, deposited upon, and/or otherwise physically affected Plaintiff's real or personal property and the real or personal property of other members of the Michigan Subclass. The precise nature and extent of those physical effects remain subject to continuing investigation and proof.

192. Defendants' respective breaches of their duties were factual causes of the uncontrolled polymerization reaction, compromise of the tank, off-site release, and resulting physical injury to property.

193. The resulting property injuries were within the scope of the risks created by Defendants' negligent handling, transfer, monitoring, supervision, management, and control of operations involving a reactive industrial chemical and were the natural and foreseeable consequences of those breaches.

194. As a direct and proximate result of Defendants' negligence, Plaintiff and those members of the Michigan Subclass who sustained present physical injury to real or personal property suffered damages including, as applicable, the reasonable costs of inspection, cleaning, repair, restoration, remediation, disposal, and replacement of physically affected property; loss of use attributable to such property injury; diminution in value attributable to present physical

injury where recoverable; and other consequential economic losses proximately resulting from the physical injury to their property and recoverable under Michigan law.

195. Plaintiff and those Michigan Subclass members are entitled to recover all damages proximately caused by Defendants' negligence and recoverable under Michigan law.

COUNT III
NEGLIGENCE — OHIO
Ohio Subclass

196. Plaintiff incorporates by reference the preceding allegations as though fully set forth herein.

197. Defendants were engaged in the transportation, handling, transfer, management, and/or oversight of reactive industrial chemicals whose improper handling created a foreseeable risk of injury to persons and property beyond the boundaries of the Toledo facility.

198. Under Ohio law, persons and entities undertaking such activities owe a duty to exercise reasonable care so as to avoid creating an unreasonable risk of foreseeable harm to neighboring persons and property.

199. M.C. Tank undertook the storage, handling, and transfer of GMA at the Toledo facility and was responsible for conducting those operations in a reasonably safe manner.

200. M.C. Tank's duty included the obligation to establish and follow appropriate procedures governing the transfer of GMA; maintain proper temperature and process conditions; adequately train and supervise the personnel involved; inspect and maintain transfer equipment; provide and properly utilize appropriate monitoring systems, alarms, controls, interlocks, and other safeguards; recognize and respond to abnormal conditions; and take reasonable measures to prevent an uncontrolled chemical reaction and off-site release.

201. M.C. Tank knew or reasonably should have known that GMA is a reactive and polymerizable chemical and that exposure to improper temperature or other incompatible

conditions could initiate or accelerate an exothermic polymerization reaction capable of generating substantial heat and pressure.

202. M.C. Tank further knew or reasonably should have known that failure to properly control such a reaction could compromise containment and cause chemical material and vapors to migrate beyond the facility and injure neighboring property.

203. During the October 20 transfer operation, an improper temperature condition was introduced into the intermodal tank containing GMA. That condition initiated or contributed to the uncontrolled polymerization reaction, increasing heat and pressure within the tank until the tank became compromised and chemical material and vapors were released into the surrounding community.

204. M.C. Tank, through its employees and agents acting within the course and scope of their employment or agency, breached its duties of reasonable care in one or more of the following respects:

a. failing to safely conduct the transfer of GMA;

b. introducing or permitting an improper temperature condition during the transfer;

c. failing to adequately monitor and control temperature and other conditions capable of initiating or accelerating polymerization;

d. failing to establish, implement, and enforce adequate procedures governing the transfer and handling of GMA;

e. failing to adequately train and supervise the personnel responsible for the transfer;

f. failing to provide, maintain, and properly utilize adequate monitoring equipment, alarms, interlocks, controls, and other safeguards capable of preventing, detecting, or limiting an uncontrolled reaction;

g. failing to adequately inspect and maintain the equipment used in connection with the transfer;

h. failing to timely recognize and appropriately respond to the developing abnormal condition before the reaction became uncontrolled;

i. failing to take reasonable measures to prevent compromise of the tank and the resulting off-site release; and

j. otherwise failing to exercise reasonable care in the storage, handling, transfer, monitoring, and control of GMA.

205. The allegations concerning KAG's March 31, 2025 acquisition and post-acquisition integration of M.C. Tank, including KAG's provision of resources, technology, know-how, operational capabilities, and centralized support, are incorporated herein.

206. KAG also maintains centralized operational-support functions applicable to its transportation businesses, including safety and compliance training, technology and onboard systems support, fleet maintenance and procurement, logistics, and operational support.

207. Upon information and belief, following its acquisition of M.C. Tank, KAG undertook and exercised responsibility for one or more safety, training, technological, operational, compliance, maintenance, supervisory, and/or management functions applicable to M.C. Tank's chemical-handling operations.

208. Having undertaken those functions, KAG owed a duty to exercise reasonable care in their performance where KAG knew or reasonably should have known that those functions were necessary to the safe handling and transportation of hazardous and reactive chemicals and to the protection of persons and property affected by those operations.

209. Upon information and belief, KAG breached its own duties of reasonable care through acts or omissions in the functions it undertook, including one or more failures relating to:

a. the development, implementation, or oversight of safe chemical-transfer procedures;

b. personnel training, qualification, and supervision;

c. temperature-control practices and procedures;

d. monitoring systems, alarms, safety controls, and technological safeguards;

e. inspection, maintenance, or operational support applicable to chemical-transfer equipment;

f. safety and regulatory-compliance practices applicable to reactive industrial chemicals;

g. emergency-response planning and procedures; and

h. other operational or management functions undertaken by KAG that caused or contributed to the conditions resulting in the uncontrolled reaction and release.

210. KAG is liable under this Count for its own acts and omissions in connection with the functions it undertook following its acquisition of M.C. Tank, rather than merely by virtue of its status as M.C. Tank's corporate parent.

211. The uncontrolled polymerization reaction, compromise of the tank, and resulting off-site release were foreseeable consequences of the failures to exercise reasonable care alleged herein.

212. Defendants' respective breaches of duty were factual and proximate causes of the uncontrolled reaction, off-site release, and resulting injury to property.

213. Chemical material released from the Toledo facility physically contacted, deposited upon, contaminated, damaged, and/or otherwise physically affected the real or personal property of those Ohio Subclass members for whom such property injury is established by the evidence.

214. This Count is asserted on behalf of those Ohio Subclass members who sustained physical injury or damage to real or personal property as a result of the release.

215. As a direct and proximate result of Defendants' negligence, those members of the Ohio Subclass who sustained physical injury or damage to real or personal property suffered damages including, as applicable, the reasonable costs of inspection, cleaning, repair, restoration, remediation, disposal, and replacement of damaged or affected property; loss of use resulting from such property injury; diminution in value where recoverable; and other consequential economic losses proximately caused by the physical injury to their property and recoverable under Ohio law.

216. Applicable statutes, regulations, and administrative standards governing the handling of hazardous chemicals, chemical-transfer operations, air emissions, worker and public safety, and environmental protection further inform the standard of reasonable care and constitute evidence of negligence to the extent applicable and established by the evidence.

217. Those Ohio Subclass members are entitled to recover all damages proximately caused by Defendants' negligence and recoverable under Ohio law.

COUNT IV
STRICT LIABILITY — ABNORMALLY DANGEROUS ACTIVITY
Ohio Subclass

218. Plaintiff incorporates by reference the preceding allegations as though fully set forth herein and pleads this Count in the alternative.

219. At the Toledo facility, M.C. Tank engaged in the storage, handling, transfer, temperature-sensitive management, and containment of substantial quantities of reactive industrial chemicals, including GMA transported and handled in intermodal tanks.

220. The activity giving rise to this claim included the transfer and handling of GMA contained within an approximately 5,500-gallon intermodal tank at a fixed chemical-transportation terminal located in proximity to populated residential communities.

221. GMA is a reactive and polymerizable industrial chemical capable of undergoing an exothermic reaction when exposed to improper temperature or other incompatible conditions.

222. An uncontrolled polymerization reaction involving GMA can generate substantial heat and pressure, accelerate as temperature increases, compromise containment, and result in the uncontrolled release of chemical material and vapors into the surrounding environment.

223. The activity therefore presented a substantial risk that a loss of temperature control, containment, or other process control could produce consequences extending beyond the boundaries of the facility and onto neighboring property.

224. The potential magnitude of the resulting harm was substantial. The reaction that occurred on October 20 generated sufficient heat and pressure to compromise the intermodal tank, created a potential explosion hazard, required the evacuation of nearly 1,000 residents, resulted in a shelter-in-place directive affecting more than 50,000 persons, and produced an off-site chemical release that continued for nearly two days.

225. Once the uncontrolled reaction developed, emergency responders were unable to stop it through direct intervention and ultimately were required to allow the reaction to proceed toward completion while protective measures remained in place for the surrounding community.

226. The occurrence thus demonstrated the capacity of the activity to create a high degree of risk and potentially substantial harm when the reactive material could no longer be safely confined or controlled.

227. The transfer and handling of large quantities of temperature-sensitive, polymerizable industrial chemicals in intermodal tanks is not a matter of common usage.

228. The activity was conducted at a location sufficiently close to residential communities that a loss of containment required evacuation, shelter-in-place measures, closure or disruption of community facilities and businesses, and protective measures extending beyond Ohio and into Michigan.

229. The risk that renders the activity dangerous is the same risk that materialized here: uncontrolled polymerization, increasing heat and pressure, compromise of chemical containment, and an off-site release affecting neighboring property.

230. M.C. Tank carried on the abnormally dangerous activity by storing, handling, transferring, monitoring, and maintaining custody and control of the GMA and the intermodal tank at the Toledo facility and by conducting the October 20 transfer operation.

231. The allegations concerning KAG's acquisition and post-acquisition integration of M.C. Tank, including KAG's provision of resources, technology, operational capabilities, and centralized functions supporting M.C. Tank's chemical-handling business, are incorporated herein.

232. Upon information and belief, following the acquisition KAG participated in, managed, directed, controlled, and/or jointly carried on aspects of M.C. Tank's hazardous-chemical transportation and handling operations through the operational, safety, technological, compliance, maintenance, training, and management functions KAG undertook with respect to M.C. Tank's business.

233. To the extent those functions constituted participation in or control over the storage, transfer, handling, monitoring, or containment of GMA at the Toledo operation, KAG was itself engaged in carrying on the abnormally dangerous activity giving rise to this claim.

234. The chemical reaction and release caused the type of harm that made the activity abnormally dangerous, including the escape of reactive chemical material from containment and resulting physical effects upon neighboring real and personal property.

235. Chemical material released from the Toledo facility physically contacted, deposited upon, contaminated, damaged, and/or otherwise physically affected real or personal property of members of the Ohio Subclass for whom such property injury is established by the evidence.

236. Under Ohio law, an entity carrying on an abnormally dangerous activity is subject to liability for harm resulting from the characteristic risks of that activity notwithstanding the exercise of reasonable care.

237. Accordingly, M.C. Tank, and KAG to the extent it participated in or jointly carried on the activity as alleged above, are strictly liable for the compensable property injuries proximately resulting from the uncontrolled reaction and release.

238. This Count is asserted on behalf of those members of the Ohio Subclass who sustained compensable harm resulting from the characteristic risks of the activity, including physical injury to real or personal property where established.

239. As a direct and proximate result of the abnormally dangerous activity and the characteristic risks that materialized in the uncontrolled reaction and release, affected members of the Ohio Subclass sustained compensable property injuries and resulting damages, including, as applicable, the reasonable costs of inspection, cleaning, repair, restoration, remediation, disposal, and replacement of affected real and personal property; loss of use resulting from such property injury; diminution in value where recoverable; and other property-related and consequential damages recoverable under Ohio law.

COUNT V
PRIVATE NUISANCE — OHIO
Ohio Subclass

240. Plaintiff incorporates by reference the preceding allegations as though fully set forth herein.

241. Members of the Ohio Subclass owned, leased, occupied, or otherwise possessed legally protected interests in residential property located in Ohio.

242. M.C. Tank conducted the storage, handling, and transfer of GMA at the Toledo facility, including the October 20 transfer operation that resulted in the uncontrolled

polymerization reaction, compromise of the intermodal tank, and prolonged off-site release of chemical material and vapors.

243. The release escaped the boundaries of the Toledo facility and entered the surrounding residential community, interfering with the private use and enjoyment of neighboring residential property.

244. The chemical odors, vapors, airborne material, and conditions created by the release constituted a nontrespassory invasion of Ohio Subclass members' interests in the private use and enjoyment of their residential property.

245. The interference was real, material, and substantial. Residents were required, as applicable, to evacuate their homes, remain confined indoors, close windows and exterior doors, restrict or discontinue normal ventilation, avoid yards and other outdoor areas, keep pets indoors, clean residential surfaces and personal property, discard exposed food and other items, and otherwise substantially alter the ordinary use and occupation of their homes because of the release.

246. The interference extended beyond temporary inconvenience. The active chemical release continued for nearly two days, required evacuation and shelter-in-place measures affecting tens of thousands of persons, disrupted residential and community activities, and resulted in public-health guidance concerning ventilation, cleaning, exposed food, and outdoor surfaces.

247. The release disturbed the comfort and convenience ordinarily associated with residential occupancy by subjecting residents to chemical odors, restrictions on movement and outdoor activity, limitations on normal ventilation, displacement from their homes, and the need to undertake protective and cleaning measures directed at their property.

248. The resulting invasion materially interfered with Ohio Subclass members' ability to use and enjoy their residential property in the manner for which such property is ordinarily intended.

249. The interference was substantial and unreasonable in light of the nature and duration of the release, the reactive and hazardous characteristics of GMA, the geographic extent of the incident, the protective measures imposed upon the surrounding community, and the degree to which the release disrupted normal residential use.

250. M.C. Tank created the condition giving rise to the nuisance through its storage, handling, transfer, monitoring, and control of GMA and through the acts and omissions of its personnel in conducting the October 20 transfer operation.

251. M.C. Tank knew or reasonably should have known that improper temperature or process conditions during the handling of GMA could initiate or accelerate an exothermic polymerization reaction, generate substantial heat and pressure, compromise containment, and result in an off-site chemical release affecting neighboring residential property.

252. The allegations concerning KAG's acquisition and post-acquisition integration of M.C. Tank, including its provision of resources, technology, operational capabilities, and centralized functions supporting M.C. Tank's chemical-handling business, are incorporated herein.

253. Upon information and belief, KAG undertook and exercised responsibility for one or more safety, training, technological, operational, compliance, maintenance, supervisory, and/or management functions applicable to M.C. Tank's chemical-handling operations.

254. Upon information and belief, KAG, through its own acts and omissions in performing those functions, caused or contributed to conditions resulting in the uncontrolled reaction and off-site release, including conditions relating to chemical-transfer procedures, personnel training and supervision, temperature-control practices, monitoring systems,

equipment and maintenance, safety controls, and safeguards against uncontrolled chemical reactions.

255. M.C. Tank's conduct in carrying out the chemical-transfer operation and KAG's conduct in performing the functions it undertook were each a factual and legal cause of, or contributed to, the condition that produced the off-site release and resulting interference with neighboring residential property.

256. The invasion of Ohio Subclass members' property interests was unintentional but resulted from Defendants' respective negligent and/or reckless conduct as alleged herein.

257. Alternatively, to the extent the storage, transfer, handling, and containment of GMA under the circumstances alleged herein constitutes an abnormally dangerous activity under Ohio law, the invasion resulted from the characteristic risks of that activity.

258. Defendants' respective conduct was a factual and proximate cause of the substantial interference with Ohio Subclass members' private use and enjoyment of their residential property.

259. KAG's liability under this Count is based upon its own acts, omissions, and undertakings that caused or contributed to the nuisance and is not premised solely upon its status as M.C. Tank's corporate parent.

260. As a direct and proximate result of the private nuisance, members of the Ohio Subclass sustained damages arising from the substantial and unreasonable interference with the use and enjoyment of their residential property, including loss of use and enjoyment, inconvenience and annoyance associated with the interference with their property interests, evacuation and displacement expenses where incurred, reasonable cleaning and response expenses, disposal and replacement costs for exposed food, personal property, and other items, and such other property-related damages as are recoverable under Ohio law.

261. Members of the Ohio Subclass are entitled to recover all damages resulting from the private nuisance and otherwise recoverable under Ohio law.

COUNT VI
PUBLIC NUISANCE — OHIO
Ohio Subclass

262. Plaintiff incorporates by reference the preceding allegations as though fully set forth herein.

263. The uncontrolled chemical reaction and resulting off-site release interfered with rights common to the general public, including the rights to public health and safety, freedom of movement, access to public roads and facilities, and the ordinary use of the surrounding community.

264. The interference was substantial and unreasonable. The release resulted in the evacuation of nearly 1,000 residents, a shelter-in-place directive affecting more than 50,000 persons, restrictions on movement and outdoor activity, road closures, disruption of schools, businesses and public facilities, interruption of municipal services, and a substantial federal, state, and local emergency response.

265. The continuing chemical release also caused public officials to advise persons outside the formal evacuation and shelter-in-place boundaries to take protective measures if they detected unusual chemical odors, including entering buildings, closing windows and doors, and discontinuing ventilation systems drawing outside air.

266. Ohio Administrative Code 3745-15-07(A) expressly declares the emission or escape into the open air of fumes, gases, vapors, or other substances in a manner or amount that endangers the health, safety, or welfare of the public or causes unreasonable injury or damage to property to constitute a public nuisance.

267. The release alleged herein involved the escape of chemical material and vapors from the M.C. Tank facility into the open air in circumstances that resulted in evacuation,

shelter-in-place directives, restrictions on public movement and activity, and governmental measures intended to protect public health, safety, and property.

268. The conditions created by the release therefore constituted an unreasonable interference with public rights and fall within the type of air-pollution condition Ohio law expressly recognizes as a public nuisance.

269. M.C. Tank created the condition giving rise to the public nuisance through its storage, handling, transfer, monitoring, and control of GMA and through the acts and omissions of its personnel in conducting the October 20 transfer operation.

270. M.C. Tank knew or reasonably should have known that improper temperature or process conditions during the handling of GMA could initiate or accelerate an uncontrolled exothermic polymerization reaction, generate substantial heat and pressure, compromise containment, and cause chemical material and vapors to escape into the surrounding community.

271. The allegations concerning KAG's acquisition and post-acquisition integration of M.C. Tank, including its provision of resources, technology, operational capabilities, and centralized functions supporting M.C. Tank's chemical-handling business, are incorporated herein.

272. Upon information and belief, KAG undertook and exercised responsibility for one or more safety, training, technological, operational, compliance, maintenance, supervisory, and/or management functions applicable to M.C. Tank's chemical-handling operations.

273. Upon information and belief, KAG, through its own acts and omissions in performing those functions, caused, contributed to, and/or permitted conditions that resulted in the uncontrolled reaction and off-site release, including conditions relating to chemical-transfer procedures, employee training and supervision, temperature-control practices, monitoring systems, equipment and maintenance, safety controls, and safeguards against uncontrolled chemical reactions.

274. M.C. Tank's conduct in carrying out the chemical-transfer operation and KAG's conduct in performing the functions it undertook were each a factual and legal cause of, or contributed to, the condition that produced the public nuisance.

275. The nuisance resulted from Defendants' respective negligent and/or reckless conduct as alleged herein and, alternatively, from an activity or condition for which Ohio law imposes liability without regard to the exercise of reasonable care.

276. Members of the Ohio Subclass suffered injuries different in kind from the injuries sustained by the public generally.

277. The public generally experienced interference with public health, safety, movement, roads, public facilities, schools, businesses, and other community activities. Ohio Subclass members, by contrast, suffered direct invasions of their individual residential and possessory interests through interference with the use and enjoyment of their homes and property.

278. Those special injuries included, as applicable, evacuation and displacement from their residences; confinement within their homes; inability to use yards and other portions of their property; interruption of normal residential ventilation; chemical odors and airborne material affecting their property; cleaning and inspection of residential surfaces and personal property; disposal and replacement of exposed food and other items; physical effects upon real or personal property; and property-specific expenses resulting from the release.

279. These injuries arose from Ohio Subclass members' individual interests in their residences and property and are different in kind from the generalized interference with public rights experienced by members of the public who did not possess such affected residential interests.

280. KAG's liability under this Count is based upon its own acts, omissions, and undertakings that caused or contributed to the condition constituting the public nuisance and is not based solely upon its status as M.C. Tank's corporate parent.

281. Defendants' respective conduct was a factual and proximate cause of the public nuisance and of the special injuries sustained by members of the Ohio Subclass.

282. As a direct and proximate result of the public nuisance, members of the Ohio Subclass sustained special injuries different in kind from those experienced by the public generally, including interference with their individual residential and possessory interests, loss of use and enjoyment of their homes and property, evacuation and displacement expenses, reasonable cleaning and response expenses, disposal and replacement costs for exposed or affected property, physical property damage where established, and other property-specific losses and expenses recoverable under Ohio law.

COUNT VII
TRESPASS — OHIO
Ohio Subclass

283. Plaintiff incorporates by reference the preceding allegations as though fully set forth herein.

284. Members of the Ohio Subclass possessed legally protected interests in the exclusive possession of residential real property located in Ohio.

285. M.C. Tank intentionally undertook and conducted the storage, handling, and transfer of GMA at the Toledo facility, including the October 20 transfer operation that resulted in the uncontrolled polymerization reaction, compromise of the intermodal tank, and prolonged off-site release.

286. As a result of that release, chemical material, airborne particulates, residue, and/or other material originating from the Toledo facility physically entered and was deposited upon the real property and improvements of certain members of the Ohio Subclass.

287. Those physical invasions occurred without the authorization, consent, or privilege of the affected property owners or occupants.

288. M.C. Tank knew or reasonably should have foreseen that improper temperature control, loss of containment, or an uncontrolled polymerization reaction involving GMA could cause chemical material to escape the facility and physically invade neighboring property.

289. The resulting entry was not limited to transient odor or atmospheric conditions. For those Ohio Subclass members asserting this claim, released material physically contacted, settled upon, contaminated, damaged, and/or otherwise materially affected their real property, improvements, outdoor surfaces, or other property interests.

290. Those invasions substantially interfered with the affected Class members' exclusive possessory interests and caused substantial actual damage or interference with the property, including, as applicable, the need to clean, restore, remediate, inspect, dispose of or replace affected property, and limitations upon the reasonable and foreseeable use of the premises.

291. The physical invasion and resulting property damage were reasonably foreseeable consequences of the chemical-handling and transfer activities conducted at the Toledo facility.

292. M.C. Tank's conduct in carrying out the transfer operation was a factual and proximate cause of the unauthorized physical invasion and resulting damage to the affected properties.

293. The allegations concerning KAG’s acquisition and post-acquisition integration of M.C. Tank, including its provision of resources, technology, operational capabilities, and centralized functions supporting M.C. Tank’s chemical-handling business, are incorporated herein.

294. Upon information and belief, KAG undertook and exercised responsibility for one or more operational, safety, training, technological, compliance, maintenance, supervisory, and/or management functions applicable to M.C. Tank's chemical-handling operations.

295. Upon information and belief, KAG's acts and omissions in carrying out those functions caused or contributed to the conditions that resulted in the uncontrolled reaction, loss of containment, off-site migration of chemical material, and resulting physical invasion of neighboring property.

296. KAG knew or reasonably should have foreseen that deficiencies in the chemical-handling, temperature-control, monitoring, safety, or operational functions it undertook could result in loss of containment and physical invasion of property surrounding the Toledo facility.

297. KAG's liability under this Count is based upon its own conduct and undertakings that caused or contributed to the physical invasion, including intentional operational acts where established, and is not premised solely upon its ownership of M.C. Tank.

298. Defendants' respective conduct was a factual and proximate cause of the unauthorized physical entry and resulting substantial damage or interference sustained by the affected Ohio Subclass members.

299. This Count is asserted only on behalf of those Ohio Subclass members for whom the evidence establishes an actual physical invasion or deposition of released material and the substantial physical damage or interference with possessory rights required under Ohio law.

300. As a direct and proximate result of the trespass, those members of the Ohio Subclass whose property was physically invaded by released chemical material sustained damages including, as applicable, the reasonable costs of inspection, cleaning, restoration, remediation, repair, disposal, and replacement of affected property; loss of use resulting from the physical invasion; diminution in value attributable to the physical invasion where recoverable;

and other property-related damages proximately caused by the trespass and recoverable under Ohio law.

PUNITIVE AND EXEMPLARY DAMAGES

301. Plaintiff incorporates by reference the preceding allegations as though fully set forth herein.

302. Defendants are sophisticated participants in the commercial transportation, handling, management, and oversight of hazardous and reactive industrial chemicals, including chemicals whose safe handling requires strict adherence to temperature limitations, transfer procedures, monitoring requirements, and other safety controls.

303. Defendants knew or reasonably should have known that improper handling of GMA, including the introduction or failure to control improper temperature conditions, could initiate or accelerate an uncontrolled exothermic polymerization reaction, generate substantial heat and pressure, compromise containment, and expose surrounding persons and property to a significant risk of harm.

304. Notwithstanding those known risks, the October 20 transfer operation resulted in the introduction of an improper temperature condition, an uncontrolled polymerization reaction, compromise of the intermodal tank, and a prolonged off-site chemical release that emergency personnel were unable to stop.

305. The circumstances surrounding the incident raise substantial issues concerning Defendants' knowledge of and response to known chemical hazards; the adequacy of their transfer procedures, training, supervision, equipment, monitoring systems, temperature controls, alarms, interlocks, and other safeguards; their compliance with applicable safety requirements; and their actions before and during the developing reaction.

306. Plaintiff alleges that the acts and omissions giving rise to the release were more than inadvertent or technical errors and, upon information and belief, included conduct

undertaken with conscious disregard of known and substantial risks to persons and property surrounding the Toledo facility.

307. Plaintiff further alleges, upon information and belief, that responsible managerial, supervisory, and/or corporate personnel of M.C. Tank knew of, participated in, authorized, approved, acquiesced in, and/or ratified acts, omissions, practices, procedures, or conditions that caused or contributed to the uncontrolled reaction and resulting release.

308. With respect to KAG, Plaintiff alleges, upon information and belief, that KAG's own acts and omissions in the operational, safety, training, technological, compliance, maintenance, supervisory, and management functions it undertook following its acquisition of M.C. Tank demonstrated conscious disregard of known risks and/or caused, contributed to, authorized, participated in, approved, acquiesced in, or ratified conduct giving rise to the release.

309. Plaintiff further alleges that facts concerning Defendants' knowledge, prior practices, internal warnings, training, procedures, safety systems, supervisory decisions, communications, and conduct before and during the incident may establish additional grounds demonstrating malice, willful or wanton misconduct, conscious disregard, authorization, participation, ratification, or other aggravated conduct supporting enhanced damages.

310. Under Ohio law, members of the Ohio Subclass seek punitive and exemplary damages against each Defendant whose acts or omissions satisfy the standards of Ohio Revised Code § 2315.21, including where the evidence establishes actual malice, conscious disregard for the rights and safety of others having a great probability of causing substantial harm, or knowing authorization, participation in, or ratification of qualifying conduct.

311. Members of the Ohio Subclass seek the full measure of punitive and exemplary damages permitted by Ohio law against each Defendant, together with all other relief recoverable in connection with such an award.

312. Under Michigan law, Plaintiff and members of the Michigan Subclass seek exemplary damages to the fullest extent permitted by law where Defendants' conduct is shown to have been malicious, willful, wanton, or undertaken in reckless disregard of their rights.

313. Plaintiff and members of the Michigan Subclass seek all compensatory and exemplary damages available under Michigan law arising from such conduct.

314. Plaintiff reserves the right to amend or supplement these allegations as discovery reveals additional facts concerning Defendants' knowledge, conduct, corporate decision-making, authorization, participation, ratification, and response to the circumstances giving rise to the October 20 release.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the proposed Class and Subclasses, respectfully request that this Court enter judgment in Plaintiff's favor and grant the following relief:

A. Certify this action as a class action pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(3), certify the proposed Michigan and Ohio Subclasses, and certify such additional or modified subclasses as the Court determines appropriate;

B. Alternatively or additionally, pursuant to Federal Rule of Civil Procedure 23(c)(4), certify for classwide determination the common liability issues arising from the October 20, 2026 chemical transfer, uncontrolled polymerization reaction, loss of containment, and resulting off-site release, including the respective acts, omissions, duties, and liability of Defendants;

C. Appoint Plaintiff as representatives of the proposed Class and Michigan Subclass and appoint such additional Class or Subclass representatives as may be appropriate under Rule 23;

D. Appoint Dubin Law PLLC and Bryson Harris Suciu & DeMay PLLC as Class Counsel pursuant to Federal Rule of Civil Procedure 23(g);

E. Enter judgment in favor of Plaintiff and the Class and Subclasses and against Defendants on the causes of action established by the evidence;

F. Determine and adjudicate Defendants' respective responsibility for the October 20, 2026 uncontrolled chemical reaction and off-site release and the resulting interference with and injury to Class members' residential property interests;

G. Award Plaintiff and members of the Class and Subclasses all actual and compensatory damages recoverable under their respective causes of action, including, as applicable, damages for loss of use and enjoyment of residential property; property damage; cleaning, inspection, restoration, remediation, repair, disposal, and replacement costs; evacuation and displacement expenses; consequential economic losses; and all other compensable property-related losses established by the evidence;

H. Award damages for nuisance, including compensation for the substantial interference with the use and enjoyment of residential property, inconvenience and annoyance associated with that interference, and other damages recoverable under Michigan and Ohio law;

I. Award those Class members establishing physical injury or damage to real or personal property all damages proximately resulting from such injury, including repair, restoration, remediation, replacement, diminution in value where recoverable, loss of use attributable to the property injury, and consequential economic losses;

J. Award those Ohio Subclass members establishing trespass all damages proximately resulting from the unauthorized physical invasion of their property, including cleaning, remediation, restoration, repair, replacement, loss of use, diminution in value where recoverable, and other compensable property-related losses;

K. Award members of the Ohio Subclass punitive and exemplary damages against each Defendant to the fullest extent permitted by Ohio law, including Ohio Revised Code § 2315.21, upon the showing required by law;

L. Award Plaintiff and members of the Michigan Subclass exemplary damages against each Defendant to the fullest extent permitted by Michigan law upon the showing required by law;

M. Award prejudgment and postjudgment interest at the maximum rates permitted by applicable law;

N. Award Plaintiff and the Class their taxable costs, litigation expenses, and reasonable attorneys' fees to the extent recoverable by statute, rule, common-law doctrine, or other applicable authority;

O. Direct such notice to the certified Class and Subclasses as the Court determines appropriate pursuant to Federal Rule of Civil Procedure 23;

P. Enter such orders concerning the administration, allocation, and distribution of any judgment or recovery as are necessary to provide full and effective relief to members of the Class and Subclasses; and

Q. Grant Plaintiff and the Class and Subclasses such other and further legal or equitable relief as the Court deems just, proper, and appropriate.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues raised in this Complaint.

Respectfully submitted,

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Dated: October 28, 2026