

Ohio city seeks damages from 3M, others over alleged drinking water well contamination

By Jenie Mallari-Torres | Oct 12, 2018



DAYTON, Ohio (Legal Newsline) – An Ohio city alleges that it had to shut down more than a dozen drinking water wells because of contamination by ingredients used in a foam for extinguishing

fires.

The city of Dayton filed a complaint on Oct. 3 in the U.S. District Court for the Southern District of Ohio against 3M Co., formerly known as Minnesota Mining and Manufacturing Co.; Buckeye Fire Equipment Co.; Chemguard Inc.; Tyco Fire Products LP; and National Foam Inc. alleging strict liability, negligence and other counts.

According to the complaint, the plaintiff is seeking to recover damages for the treatment of removal of contamination allegedly from the defendants' products from its public drinking water supply. The suit states the defendants manufacture, market and sell aqueous film-forming foam used to extinguish flammable liquid fires, which has been used at the Wright-Patterson Air Force Base in the city.

The plaintiff alleges it has shut down 14 supply wells due to contamination.

The plaintiff holds 3M Co., formerly known as Minnesota Mining and Manufacturing Co.; Buckeye Fire Equipment Co.; Chemguard Inc.; Tyco Fire Products LP; and National Foam Inc. responsible because the defendants allegedly breached their duty of care by designing and

manufacturing dangerous products into the stream of commerce when they should have known of the dangers its chemicals posed to drinking water wells.

The plaintiff requests a trial by jury and seeks judgment against defendants for compensatory and punitive damages, interest, costs, attorney's fees and further relief as the court deems just. It is represented by Barbara J. Doseck and John C. Musto of the city of Dayton, Ohio; Paul J. Napoli, Louise R. Caro, Tate J. Kunkle and Patrick J. Lanciotti of Napoli Shkolnik PLLC in New York; Frank Gallucci and David Grant of Plevin & Gallucci Co. LPA in Cleveland, Ohio; and Pierre Tismo of Dyer, Garofalo, Mann & Schultz in Dayton, Ohio.

U.S. District Court for the Southern District of Ohio case number 3:18-cv-33

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