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CIRCUIT COURT OF
MACON COUNTY, ALABAMA
DAVID LOVE, JR., CLERK

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

Ex. 6 Personal Privacy (PP)

Plaintiff,

vs.

ADVANCED DISPOSAL SERVICES SOUTH, LLC; ADVANCED DISPOSAL SERVICES ALABAMA HOLDINGS, LLC; STONE'S THROW LANDFILL, LLC; TALLASSEE WASTE DISPOSAL CENTER, INC.; ADVANCED DISPOSAL SERVICES, INC.; UTILITIES BOARD OF THE CITY OF TUSKEGEE; AND FICTITIOUS PARTIES A, B, C, D ... Z,

Defendants.

CASE NO.:

COMPLAINT

COMES NOW the Plaintiff, in the above-styled cause, and in support of the claims of damages and injunctive relief against the named Defendants, set forth and show unto the Court as follows:

I. BRIEF OVERVIEW OF THE CASE

1. This case involves years of negligent, unauthorized, unpermitted, and in many instances, illegal discharging of waste products and hazardous chemicals and compounds both directly and through tributaries into the Tallapoosa River.

2. As a result of the negligent, unauthorized, unpermitted, and illegal discharging of waste products and hazardous chemicals and compounds into the Tallapoosa River, the water treatment facilities in Tuskegee and Macon County have been providing polluted water to the Plaintiff for drinking, cooking, bathing, and their everyday use. Instead of properly treating the water from the Tallapoosa River, the water treatment facilities made the condition of the water worse.

3. The named Defendants, individually and collectively, caused polluted, harmful, and

unhealthy water to be provided to the Plaintiff and instead of attempting to correct the problems, the named Defendants, individually and collectively, have engaged in a pattern of concealment, neglect, and mismanagement.

4. Plaintiff, a citizen and resident of Macon County, Alabama, has suffered, and continues to suffer damages from the repeated exposure to harmful levels of hazardous chemicals and compounds contained in their drinking water.

5. At all times relevant to this case, the Plaintiff has consumed, or otherwise were exposed, to water contaminated with halo acetic acids ("HAAs"), total tri halomethanes ("TTHMs"), heavy metals (including lead), E. coli, Total Residual Chlorine ("TRC"), total suspended solids, cryptosporidium, and giardia in their water supply from the Tallapoosa River.

6. Advanced Disposal Services South, LLC, Advanced Disposal Services Alabama Holdings, LLC, and Advanced Disposal Services, Inc., Stone's Throw Landfill, LLC and the Tallassee Waste Disposal Center, Inc. (referred to collectively as "Advanced Disposal Defendants") own and operate Stone's Throw Landfill in Tallassee, Alabama. Stone's Throw Landfill is a major source of pollutants discharged into the Tallapoosa River.

7. Leachate is a product of landfill waste. Leachate is formed when rainwater and run-off percolates through landfill material and then takes on some of the chemical characteristics of the waste it passes through. Landfill leachate typically has a heavy, putrid odor and is black in color. The black liquid generally contains both organic and inorganic chemicals, including heavy metals and pathogens.

8. Stone's Throw Landfill discharges landfill leachate into the Tallassee Sewer and Stabilization Pond, which the Tallassee Sewer and Stabilization Pond cannot treat or make safe

before discharging these pollutants into the Tallapoosa River. As such, Stone's Throw Landfill is responsible for the daily release of thousands of gallons of untreated or partially treated municipal waste and landfill leachate in harmful concentrations into the Tallapoosa River. These releases occur just upriver from where the Utilities Board of Tuskegee ("UBT") and the Macon County Water Authority ("MCWA") draw water provided to the Plaintiff.

9. Stone's Throw Landfill also unlawfully discharges pollutants into Chewacla Creek (referred to locally as Eufalby Creek or Uphapee Creek) and its tributaries (Gleeden Branch in particular). Chewacla Creek flows into the Tallapoosa River only five hundred (500) feet upriver from the water intake of UBT and MCWA, which provides water for the City of Tuskegee and Macon County. Stone's Throw Landfill also has unlawfully discharged pollutants into Mill Creek, which flows into the Tallapoosa River just north of Chewacla Creek. As recent as January of 2017, the Stone's Throw Landfill discharged twice its permitted amount of oil and grease into Gleeden Branch and fifteen times what it is permitted in terms of downstream turbidity in violation of the Landfill's stormwater discharge permit.

10. The UBT treated the polluted water from the Tallapoosa River with chlorine. As the polluted river water interacts with the chlorine, the reaction creates HAAs and TTHMs in the water. The use of chlorine additives in combination with the already corrosive and acidic water, causes corrosion of the pipes in supplying water to the Plaintiff which leads to lead poisoning.

11. The added chlorine also interacts with organic matter in the leachate and produces a number of harmful chemicals, referred to as disinfection by-products ("DBPs"), with known short-term and long-term health effects. The most prevalent DBPs are HAAs and TTHMs.

12. As a direct and foreseeable consequence of the Defendants' pollution of the Tallapoosa River and inadequate treatment of wastes, the Plaintiff has suffered personal injuries,

property damage, as well as mental and emotional distress and damages for the same. Plaintiff also seeks punitive damages in consideration of the Defendants willful and wanton conduct in this case. The Plaintiff seeks relief from the Defendants on a joint and several basis, as set out more particularly below.

13. The actions of the Defendants have damaged, and continue to damage, the Plaintiff. As a result, the Plaintiff demands injunctive relief from the Defendants on a joint and several basis as set out more particularly below.

14. No claim is being asserted against the Defendants arising under any federal law or statute, and all claims are based on the common law of the State of Alabama.

II. PARTIES

A. Plaintiff

15. The Plaintiff at all times relevant to this Complaint, was, and is, a resident citizen of the City of Tuskegee, Macon County, Alabama. The Plaintiff is the property owner in the City of Tuskegee, Macon County, Alabama, and consumer of the water provided by the UBT, or is otherwise affected by the activities of the Defendants set forth herein.

B. Defendants

Advanced Disposal Services, Inc.

16. Advanced Disposal Services, Inc. is a Foreign Corporation, incorporated under the laws of Delaware, with its principal mailing address at 90 Fort Wade Road, Suite 200, Ponte Vedra, Florida 32081, and registered with the Secretary of State to do business in Alabama as of April 15, 2002. Advanced Disposal Services, Inc. is the parent company of Advanced Disposal Services, South, LLC, which is the parent of Advanced Disposal Services Alabama Holdings, LLC, which is the parent of the Stone's Throw Landfill, LLC. The Stone's Throw Landfill, LLC is the parent of the Tallassee Waste Disposal Center, Inc., Advanced Disposal Services CATS, LLC, and Advanced

Disposal Services Alabama EATS, LLC. Ultimately, Advanced Disposal Services, Inc. is the owner and is the operator of the Stone's Throw Landfill, located at 1303 Washington Blvd, Tallassee, Alabama 36078, both directly and through its network of subsidiaries, and at all times relevant to this Complaint, doing business in Tallassee, Alabama, Elmore County, Alabama, and Macon County, Alabama.

17. Defendant Advanced Disposal Services, Inc. d/b/a the Stone's Throw Landfill has repeatedly and unlawfully discharged pollutants and compounds in Macon County at all times relevant this Complaint, which have invaded the water supply of the Plaintiff. Defendant Advanced Disposal Services, Inc. d/b/a the Stone's Throw Landfill is discharging landfill leachate into the Tallassee Sewer and Stabilization Pond. The Tallassee Sewer and Stabilization Pond is located in Tallassee, Alabama, on the Tallapoosa River just two miles upriver from the water supply intake for the City of Tuskegee. At all times relevant to this Complaint, Defendant Advanced Disposal Services, Inc. has continued to discharge leachate into the Tallassee Sewer and Stabilization Pond, which it cannot treat, and as a consequence, illegally discharging into the Tallapoosa River. At all times relevant to this Complaint, this Defendant knew or should have known the continued discharge of landfill leachate into the Tallassee Sewer and Stabilization Pond would pollute the Tallapoosa River, and ultimately, the Plaintiff's water supply.

18. In addition, at all times relevant to this Complaint, Defendant Advanced Disposal Services, Inc. d/b/a the Stone's Throw Landfill, has illegally discharged into Chewacla Creek and its tributaries, which flows into the Tallapoosa River only five hundred (500) feet upriver from the water intake of UBT, which provided water for the City of Tuskegee and Macon County. Stone's Throw Landfill also has unlawfully discharged pollutants into Mill Creek, which flows into the Tallapoosa River just north of Chewacla Creek . Organic and inorganic matter in these discharges react with chlorine used during water treatment by the UBT to form harmful disinfection byproducts ("DBPs"), which have been present in the Plaintiff's water supply for over a decade. Advanced

Disposal Services, Inc. and its subsidiaries are collectively referred to herein as the "Advanced Disposal Defendants."

Advanced Disposal Services South, LLC

19. Advanced Disposal Services South, LLC is a foreign limited liability company, incorporated under the laws of Delaware, with its principal mailing address at 90 Fort Wade Road, Suite 200, Ponte Vedra, Florida 32081, registered with the Secretary of State to do business in Alabama as of April 15, 2002. Advanced Disposal Services South, LLC is a subsidiary of Advanced Disposal Services, Inc. Advanced Disposal Services South, LLC is the parent of Advanced Disposal Services South, LLC, which is the parent of Advanced Disposal Services Alabama, Inc. and Stone's Throw Landfill, LLC. The Stone's Throw Landfill, LLC is the parent of the Tallassee Waste Disposal Center, Inc., Advanced Disposal Services CATS, LLC, and Advanced Disposal Services Alabama EATS, LLC. At all times relevant to this Complaint, Advanced Disposal Services South, LLC, through its network of subsidiaries, caused or contributed to the contamination the Plaintiff's water supply and surrounding lands in Macon County, Alabama, causing injuries to the persons and properties of the Plaintiffs.

Advanced Disposal Services Alabama Holdings, LLC

20. Advanced Disposal Services Alabama Holdings, LLC is a foreign limited liability company, incorporated under the laws of Delaware, with its principal mailing address at 13385 Edna Brake Lucas Road, Montgomery, Alabama 36117, registered with the Secretary of State to do business in Alabama as of April 9, 2001. Advanced Disposal Services Alabama Holdings, LLC is the parent of the Stone's Throw Landfill, LLC and Advanced Disposal Services Alabama, Inc. The Stone's Throw Landfill, LLC is the parent of the Tallassee Waste Disposal Center, Inc., Advanced Disposal Services CATS, LLC, and Advanced Disposal Services Alabama EATS, LLC. Advanced Disposal Services Alabama Holdings, LLC is an owner and operator of the Stone's Throw Landfill both directly and through its network of subsidiaries. At all times relevant to this Complaint,

Advanced Disposal Services Alabama Holdings, LLC, through its network of subsidiaries, caused or contributed to the contamination the Plaintiff's water supply and surrounding lands in in Macon County, Alabama, causing injuries to the person and properties of the Plaintiff.

Stone's Throw Landfill, LLC

21. Stone's Throw Landfill, LLC is a foreign limited liability company, incorporated under the laws of Delaware, with its principal place of business at 13385 Edna Brake Lucas Road, Montgomery, Alabama 36117, registered with the Secretary of State to do business in Alabama as of April 9, 2001. Stone's Throw Landfill, LLC is a citizen of Alabama. Stone's Throw Landfill, LLC is a subsidiary of Advanced Disposal Services, Inc., Advanced Disposal Services South, LLC, and Advanced Disposal Services Alabama Holdings, LLC. Stone's Throw Landfill, LLC is the parent of the Tallassee Waste Disposal Center, Inc., Advanced Disposal Services CATS, LLC, and Advanced Disposal Services Alabama EATS, LLC. Advanced Disposal Services Alabama Holdings, LLC is an owner and operator of the Stone's Throw Landfill both directly and through its network of subsidiaries. At all times relevant to this Complaint, Advanced Disposal Services Alabama Holdings, LLC, through its network of subsidiaries, caused or contributed to the contamination the Plaintiff's water supply and surrounding lands in Macon County, Alabama, causing injuries to the person and properties of the Plaintiff.

Tallassee Waste Disposal Center, Inc.

22. Tallassee Waste Disposal Center, Inc. is a domestic corporation formed in Montgomery County, Alabama, with its registered mailing address at 2 North Jackson St., Suite 605, Montgomery, Alabama 36104, formed on April 18, 1986. Tallassee Waste Disposal Center, Inc. is a subsidiary of Stone's Throw Landfill, LLC, which is a subsidiary of Advanced Disposal Services Alabama Holdings, LLC. Advanced Disposal Services Alabama Holdings, LLC. is a subsidiary of Advanced Disposal Services South, LLC, which is a subsidiary of parent company Advanced Disposal Services, Inc. At all times relevant to this Complaint, Tallassee Waste Disposal Center,

Inc., the permittee for the Stone's Throw Landfill, caused or contributed to the contamination the Plaintiff's water supply and surrounding lands in Macon County, Alabama, causing injuries to the person and properties of the Plaintiff.

Utilities Board of Tuskegee ("UBT")

23. Defendant Utilities Board of the City of Tuskegee is a domestic non-profit corporation, with its principal address at P.O. Box, 831050, 101 Fonville Street, Tuskegee, Alabama, formed in Macon County, Alabama on February 5, 1970. UBT is a utility services provider doing business in Macon County, Alabama, and at all times relevant to this Complaint, sold polluted water to the Plaintiff, damaging the Plaintiff's person and property. UBT cannot treat effectively the polluted water from the Tallapoosa River, but continues to sell polluted water to the Plaintiff, damaging his person and property. UBT failed to treat the water and adequately inform the Plaintiff as to the grave health consequences of consuming contaminated water.

Fictitious Parties

24. Fictitious Parties A, B, C, D, . . . Z are persons or entities who discharged wastes into the Tallassee Sewer and Stabilization Pond and knew or should have known the Tallassee Sewer and Stabilization Pond could not treat the waste, resulting the in contamination of the Plaintiff's drinking water, and damages therefrom; or entities who otherwise contributed to the to the contamination of the Tallapoosa River, the Plaintiff's drinking water, and or the surrounding environment in a manner which damaged the Plaintiff.

III. JURISDICTION AND VENUE

25. At all times relevant to this Complaint, Plaintiff suffered injuries in Tuskegee, Macon County, Alabama.

26. At all this relevant to this Complaint, The Advanced Disposal Defendants owned and operated the Stone's Throw Landfill, and Tallassee Waste Disposal Center, Inc., as a for profit landfill doing business in Macon County, Alabama. The Stone's Throw Landfill contributed to the

pollution of the Tallapoosa River by unlawfully disposing of leachate and unlawfully polluting the Chewacla Creek and its tributaries, as well as Mill Creek, causing the Plaintiff's injuries by consumption, domestic use, or to otherwise being exposed to contamination in Macon County, Alabama.

27. At all times relevant to this Complaint, Defendant Advanced Disposal had a duty to dispose of leachate so as not to pollute the environment and use the Tallassee Sewer and Stabilization Pond reasonably as not to pollute the Tallapoosa River, given the Tallapoosa River is classified as Public Drinking Water and the City of Tuskegee draws its water approximately 2-3 miles down river. Defendant Advanced Disposal breached this duty, causing damage to the Plaintiff in Tuskegee, Macon County, Alabama.

28. At all times relevant to this Complaint, Defendant UBT, a utilities provider, owned and operated a for-profit utilities company in Tuskegee, Macon County, Alabama. At all times relevant to this Complaint, Defendant UBT has not been able to adequately treat or has negligently treated the polluted water it draws from the Tallapoosa River, and nonetheless has sold it to consumers—the citizens of Tuskegee—causing them injuries to person and property in Macon County, Alabama.

IV. FACTUAL ALLEGATIONS

A. Advanced Disposal Services, Inc. and Stone's Throw Landfill

29. Stone's Throw Landfill is a special and industrial waste landfill which spans more than 300 acres and accepts an average of 1,050 tons of new waste per day. Stone's Throw Landfill accepts municipal waste, construction and demolition waste, yard waste, inert waste, sludge, wastewater bio-solids, friable asbestos, non-friable asbestos, industrial waste, foundry sand, ash, and contaminated soil.

30. As rainwater and runoff percolate through the landfill, landfill leachate is formed. Landfill leachate typically has a heavy, putrid odor and is black in color. The black liquid generally

contains both organic and inorganic chemicals, including heavy metals and pathogens.

31. The Stone's Throw Landfill captures leachate from the landfill and stores it in large tanks onsite. The landfill leachate is taken by tanker truck and discharged for treatment into the Tallassee Sewer and Stabilization Pond.

32. The Tallassee Sewer and Stabilization Pond cannot treat the landfill leachate it receives. This fact is reflected by the Tallassee Sewer and Stabilization Pond's horrendous environmental record, which is set forth in Section B of this Complaint, *infra*. The Advanced Disposal Defendants caused or contributed to causing the ongoing release of untreated or partially treated leachate, as well as other harmful pollutants, into the Tallapoosa River, and ultimately, the drinking water of the Plaintiff.

33. Furthermore, water being discharged from the Tallassee Sewer and Stabilization Pond was found to be contaminated with Boron, Arsenic, Chromium, Copper, Lead, Nickel, Zinc, Chloride, Tolulene, Chloroform, Bromodichloroform, HAAs, and TTHMs. These findings are consistent with the ineffective treatment of landfill leachate. The unlawful releases placed a burden on the downstream water treatment facilities and render the UBT and the MCWA incapable of making the Plaintiff drinking water safe for human consumption.

34. In addition, the Stone's Throw Landfill has also repeatedly and unlawfully discharged into Chewacla Creek and its tributaries, which empties into the Tallapoosa River just five hundred (500) feet upriver from the water intake of UBT, as well as Mill Creek which empties just north of Chewacla Creek into the Tallapoosa River. These unlawful discharges further contribute to the contamination of the drinking water of the Plaintiff.

35. The Stone's Throw Landfill does not have a permit for the discharge of leachate into the Tallapoosa River or surrounding surface waters. The Stone's Throw Landfill has a storm-water permit, which governs discharges not containing leachate vis-à-vis its Storm Water Prevention Plan (SWPP), and General NPDES Permit No. ALG160159, which allows for small discharges into the

surface waters around the landfill. The Stone's Throw Landfill also was covered under NPDES Permit No. ALG50010 until that permit was terminated on January 7, 2016.

36. The Advanced Disposal Defendants have repeatedly violated permit limits for the Stone's Throw Landfill, resulting in numerous unlawful discharges into Chewacla Creek and its tributaries, as well as Mill Creek:

Monitoring Period	Outfall	Non-Compliance Parameter	Permit No.	Result Reported	Permit Limit
January - June 2011	DSN 001-01 DSN 001-2	Turbidity Turbidity	ALG160159 ALG160159	185.8 NTU 185.6 NTU	50 NTU 50 NTU
January-March 2013	DSN001-1	Total Suspended Solids	ALG850010	110mg/L	70mg/L Daily Max
January 1-31, 2013	DSN-001	Total Suspended Solids	ALG850010	132 mg/L	70mg/L max, 35 Avg.
February 2013	DSN 001-01	Total Suspended Solids	ALG850010	142 mg/L	70mg/L Daily Max
July-August 2013	DSN 001-01	Total Suspended Solids	LAG850010	398 mg/L	70mg/L Daily Max
Jan. 1, 2013 - Dec. 31, 2013	DSN 003-01	Reporting violation Form 324 not timely	ALG160159	N/A	N/A
Dec. 1-30, 2013	DSN 001-1	Total Suspended Solids	ALG850010	138 mg/L	70mg/L Daly Max
February 1-28, 2014	DSN 001-1	Total Suspended Solids	ALG850010	324 mg/L	70mg/L Daily Max
April 1-30, 2014	DSN 001-1	Total Suspended Solids	ALG850010	475 mg/L	70mg/L Daily Max
May 1-May 31, 2014	DSN 001-1 DSN 001-1 DSN 001-1	Total Suspended Solids Total Suspended Solids pH Reporting	ALG850010 ALG850010 ALG850010	338 mg/L 338 mg/L N/A	70mg/L Daily Max 35mg/L Avg. N/A
May 1-31, 2015	DSN 001-1	Total Suspended Solids	ALG850010	42 mg/L	35 mg/l monthly avg.
July 1 - Dec. 31, 2015	DSN 001-2	Delta Downstream	ALG160159	262.2 NTU	50 NTU
Jan. 1-March 31, 2016	0013 0013	Turbidity Upstream Not Sampled	ALG160159	N/A	N/A
Jan. 1-March 31, 2016	0013	Turbidity or Total Suspended Solids Not Sampled	ALG160159	N/A	N/A
Jan. 1-June 30, 2016	0013 0013 0013	Turbidity not sampled, Turbidity-Wrong location	ALG160159	N/A	N/A

Oct. 1, 2016 - Dec. 31, 2016	DSN 001-2 DSN 001-1	Downstream Turbidity Oil & Grease	ALG160159 ALG160159	762.4 NTU 24 mg/L	50 NTU 15 mg/L

37. As recently as January of 2017, the Stone's Throw Landfill unlawfully discharged approximately double its permitted amount of oil and grease into Gleeden Branch Creek, and fifteen times what it is permitted in terms of downstream turbidity. The fact that there is oil and grease present in the water indicates the escape of landfill leachate to an extent—which is also a violation of General NPDES Permit No. ALG160159 and the SWPP for Stone's Throw Landfill.

38. Organic and inorganic material in these discharges reacts with the chlorine used by the UBT and MCWA during the water treatment process to form the toxic TTHMs and HAAs present in the Plaintiff's water supply.

39. The Plaintiff's water supply is further damaged by the Stone's Throw Landfill's negligent or wanton disposal of landfill leachate into the Tallassee Sewer and Stabilization Ponds well—a facility incapable of treating the landfill leachate it receives. The bleak environmental history of the Tallassee Sewer and Stabilization Pond is set forth in the Section B of this Complaint, *infra.*

B. Water Utilities of Tuskegee and Macon County

40. Macon County, Alabama is home to approximately 19,688 people according to the 2013 United States Census. Of the roughly 20,000 citizens of Macon County, Alabama, approximately 13,000 live in Macon County's largest city—Tuskegee.

41. Citizens of Macon County, Alabama and Tuskegee purchase water from one of two main water authorities: UBT or the MCWA. The UBT is the larger of the two, serving approximately 13,500 consumers. The MCWA provides water to approximately 7,563 consumers in Macon County, Alabama. A smaller water authority, the Star Mindingall Water Authority purchases its water from the UBT, and provides water to approximately 400 citizens in Macon

County. Several other small water authorities also purchase water from UBT.

42. The Tuskegee North Waste Pollution Control Plant ("Tuskegee North") lies on the Tallapoosa River, and is the point of intake for the drinking water sold to consumers by the UBT and WCWA. The Chewacla Creek discharges into the Tallapoosa River just five hundred (500) feet upriver from the Tuskegee North facility—the City of Tuskegee and Macon County's drinking water intake. Mill Creek discharges just north of Chewacla Creek.

43. Due to the actions and inactions of Defendants, the water of the Tallapoosa River, and the Plaintiff's water supply is contaminated with harmful chemicals, compounds, and organisms, including, but not limited to: HAAs, TTHMs, heavy metals, including lead, E.coli, cryptosporidium, and giardia.

44. The UBT cannot effectively treat the polluted water but have continued to sell it to consumers. The UBT utilize chlorine to disinfect the polluted water from Tuskegee, which in turn, adds more HAAs and TTHMs to the drinking water, in addition to the HAAs and TTHMS introduced into the Tallapoosa River by the Tallassee Sewer and Stabilization Pond.

45. The most recent Consumer Confidence Reports regarding the water quality of the UBT indicate the presence of HAAs and TTHMs in the Plaintiff's water above the legal limits and far in exceedance of the recommended concentration for safe consumption.

C. Tallassee Sewer and Stabilization Pond

46. The Tallassee Sewer and Stabilization Pond is located in Tallassee, Alabama on the Tallapoosa, River, approximately two to three (2-3) miles upriver of the Tuskegee North facility. The Tallassee Sewer and Stabilization Pond is incapable of effectively treating landfill leachate from Stone's Throw Landfill, leading to numerous unlawful discharges into the Tallapoosa River.

47. The simplicity of the Tallassee Sewer and Stabilization Pond makes it relatively inexpensive to operate. Then Mayor Robert E. Payne expounded on this in response to a Notice of Violation Letter from the Alabama Department of Environmental Management dated October 3,

2016, stating "[t]he costs of operating and maintaining the facility are much lower than the costs which would be associated with a mechanical plant, allowing the City to pass these savings on to their customers."

48. The Tallassee Sewer and Stabilization Pond is not able to treat the influent it was charging for—in volume or in kind—resulting in a host of unlawful discharges into the Tallapoosa River. Advanced Disposal Defendants knew the Tallassee Sewer and Stabilization Pond was incapable of treating its landfill leachate based on its lengthy history of environmental violations. The Advanced Disposal Defendants, as sophisticated companies with advanced scientific knowledge, subject to stringent environmental regulation, knew the Tallassee Sewer and Stabilization Pond was inadequate, incapable, and unable to treat the vast amounts of pollutants the Advanced Disposal Defendants regularly place into the system.

49. ADEM, in the October 3, 2016 Notice of Violation letter identified more than 40 violations:

Monitoring Period	Outfall	Parameter	Average Max. Min.	Unit	Limit	Reported Value
October 2014	0011	E.coli	Monthly Avg.	Col/100 mL	126	714.5
October 2014	0011	E.coli	Daily Max.	Col/100 mL	235	1410
November 2014	0011	CBOD5	Monthly Avg.	Mg/L	25.0	31.2
November 2014	0011	CB00D5% Removal	Monthly Avg. Min.	Percent	85.0	79
November 2014	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	60
January 2015	0011	pH	Daily Min.	s.u.	6.0	4.86
January 2015	0011	TRC	Daily Max.	Mg/L	1.0	2.0
March 2015	0011	TRC	Daily Max.	Mg/L	1.0	1.08
April 2015	0011	TRC	Daily Max	Mg/L	1.0	1.9
May 2015	0011	pH	Daily Max	s.u.	9.0	9.3
May 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	64
July 2015	0011	Ph	Daily Min.	s.u.	6.0	5.56

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July 2015	0011	E.coli	Monthly Avg.	Col/100 mL	126	788
July 2015	0011	E.coli	Daily Max.	Col/100 mL	235	1200
July 2015	0011	CB00D5% Removal	Monthly Avg. Min.	Percent	85.0	77
July 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	0
August 2015	0011	pH	Daily Min.	s.u.	6.	5.33
August 2015	0011`	E.coli	Monthly Avg.	Col/100 mL	126	181
August 2015	0011	CB00d5% Removal	Monthly Avg. Min.	Percent	85.0	83
August 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	0
September 2015	0011	E.coli	Monthly Avg.	Col/100 mL	126	341
September 2015	0011	E.coli	Daily Max	Col/100 mL	235	411
September 2015	0011	CB00D5% Removal	Monthly Avg. Min	Percent	85.0	76
September 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	49
October 2015	0011	pH	Daily Min.	s.u.	6.0	5.3
October 2015	0011	E.coli	Monthly Avg.	Col/100 mL	126	300.5
October 2015	0011	E.coli	Daily Max.	Col/100 mL	235	548
October 2015	0011	CB00D5% Removal	Monthly Avg. Min.	Percent	85.0	81
October 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	43
November 2015	0011	E.coli	Monthly Avg.	Col/100 mL	126	244.5
November 2015	0011	E.coli	Daily Max.	Col/100 mL	235	249
November 2015	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	48
January 2016	0011	E.coli	Monthly Avg.	Col/100 mL	548	705
January 2016	0011	CB00D5% Removal	Monthly Avg. Min.	Percent	85.0	71
January 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	21
March 2016	0011	pH	Daily Mini.	s.u.	6.0	5.93
April 2016	0011	CB00D5% Removal	Monthly Avg. Min.	Percent	85.0	83
April 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	40
June 2016	0011	CB00D5% Removal	Monthly Avg. Min.	Percent	85.0	79
June 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	15
July 2016	0011	CB00D5% Removal	Monthly Avg. Min.	Percent	85.0	79

July 2016	0011	TSS % Removal	Monthly Avg. Min.	Percent	65.0	16

50. These violations continue to occur. There are even more violations that have gone, and are going, unreported. The Tallassee Sewer and Stabilization Pond discharged 995.5 col/100mL, on average, for the entire month of January 2017, in violation of its permit limit – 658 col/100mL. The Tallassee Sewer and Stabilization Pond also violated its permit in January of 2017 for CBOD % removal and TSS percent removal.

51. Despite repeated violations and ongoing pollution, the Tallassee Sewer and Stabilization Pond continues to accept substantial amounts of waste from third party waste generators. Any entity disposing of waste at the Tallassee Sewer and Stabilization Pond—by the available environmental information—knew or should have known that the Tallassee Sewer and Stabilization Pond was incapable of treating effluent and that any additional waste to the system would result in pollution of the Tallapoosa River.

52. This did not stop dischargers of waste from taking advantage of the low cost of waste disposal at the Tallassee Sewer and Stabilization—including Advanced Disposal Defendants, by way of leachate from the Stone's Throw Landfill.

53. In addition to the sheer volume of landfill leaching contributing to bypass events at the Tallassee Sewer and Stabilization Pond, the introduction of landfill leachate to the Tallassee Sewer and Stabilization Pond created another pollutant—disinfectant by-products ("DBPs").

54. When landfill leachate is treated with chlorine for disinfection, as it is at the Tallassee Sewer and Stabilization Pond, chlorine reacts with humic-like substances and solids in the leachate to form DBPs. The most common DBPs are TTHMs and HAAs—both of which are regulated by ADEM and known to have negative health effects upon exposure, and especially, long term exposure.

55. Upon testing, the Tallassee Sewer and Stabilization Pond has discharged and

continues to discharge TTHMs, HAAs, and untreated or partially treated landfill leachate containing heavy metals into the Tallapoosa River, which have ultimately contaminated the Plaintiff's water supply, causing damage to person and property.

1. Utilities Board of Tuskegee ("UBT")

56. As early as 2004, the UBT knew or should have known its water was contaminated with HAAs and TTHMs, and nonetheless, continued to sell the water to consumers, and in some cases, other water authorities. A 2004-2005 study conducted by ADEM on behalf of the Environmental Working Group ("EWG") published in 2009 revealed serious environmental violations and health concerns the UBT has yet to properly address.

57. The 2004-2005 EWG Study revealed the UBT sold water to the Plaintiff that exceeded both the recommended health limit and the legal limit for HAAs and TTHM. This same test revealed chloroform, bromodichloromethane, and dibromochloromethane in concentrations in exceedance of the recommended health limit. The study also revealed the presence of heavy metals.

58. In the year 2013, the UBT violated its permit limits at four different discharge locations:

LOCATION	CONTAMINANT TTHM/HAA	LEVEL DETECTED in mg/l MCL TTHM ≤ 0.080; HAA ≥ .060
1906 Old Columbus Road	TTHM	0.084
2402 Charles Avenue	TTHM	0.084
3303 County Rd 57	Both	0.121 TTHM/ 0.081 HAA
160 County Road 27	Both	0.115 TTHM/ 0.079 HAA
256 County Road 27	Both	0.128 TTJHM / 0.084 HAA

59. This pattern continued into the year 2014, with the UBT violating its permit limits:

LOCATION	CONTAMINANT TTHM/HAA	LEVEL DETECTED in mg/l MCL TTHM ≤ 0.080; haa ≥ .060
1906 Old Columbus Road	TTHM (RAA)	0.082
3303 County Road 53	TTHM	0.081

60. For the year 2015, the UBT incurred more violations, incurring Operational Evaluation Level or Running Annual Average exceedances at three discharge points:

LOCATION	CONTAMINANT TTHM/HAA	LEVEL DETECTED in mg/l MCL TTHM ≤ 0.080; HAA ≥ .060
2402 Old Charles Avenue	TTHM	0.092
703 Chappie James Ave	TTHM	0.084
303 Union Springs Road	TTHM	0.085

61. In the years 2013, 2014, and 2015, the UBT published the exact same notice to its consumers, despite having different types of violations regarding TTHMs and HAAs, rendering the notice defective and incapable of informing consumers of the true scope the danger presented:

> Although a drinking water standard was violated, it is not an emergency. As our customers, you have a right to know what happened and what we are doing to correct this situation. We routinely monitor for the presence of drinking water contaminants. Testing results we received from our August testing indicated our system exceeded the maximum contaminant level (MCL for the disinfection by-products total trihalomethanes (TTHM) and/or Haloacetic Acids (HAAS). The respective mCL for TTHM is 0.080 mg/L and for HAAS it is 0.050mg/L. This is not an immediate risk. If it had been you would have been notified immediately. However, some people who drink water containing TTHM's and HAA5's in excess of the MCL over many years may experience increase problems with their liver, kidneys, or central nervous system and may have an increased risk of getting cancer. However, if you have specific health concerns, consult your doctor. Please share this information with all the other people who drink this water, especially those who may not have received this notice directly. For example, people living in apartments, nursing homes, schools, and businesses. You can do this by posing this notice in a public place or distributing copies by hand or mail. The Chart below lists the location, the contaminant, and the level of exceedance of the MCL:"

62. In the year 2016, a CCR for the Star Mindingall Water Authority, a smaller consumer of water that purchases water from the UBT violated the Maximum Contaminant Level (MCL) for TTHMs because the water it purchased from Tuskegee was in violation of the MCL-92 ppb.

63. To date, the pollution to the Plaintiff's water supply continues and has yet to be abated.

D. The Dangers of HAAs, TTHMs, Heavy Metals and Excessive Chloride

1. Human Health Hazards

a. HAAs

64. HAAs cause a host of adverse human health issues. HAAs are known to cause irritation of the eyes and skin, as well as allergy exacerbation. Furthermore, HAAs are known to increase the risk for liver cancer and birth defects in infants. Exposure to HAAs can cause degeneration of structural proteins and inflammation. HAAs are used clinically as a chemical skin peel.

b. Total Trihalomethanes (TTHMs)

65. There are four compounds considered as trihalomethanes: chloroform, dibromochloromethane, bromodichloromethane, tribromomethane. The most common of the trihalomethanes is the chemical chloroform, which is used as a commercial anesthetic. Bromodichloromethane, and Dibromochoromethane are also common trihalomethanes. Current regulations limit the concentration of these chemicals when added together, which is referred to the total trihalomethane level or ("TTHMs"). TTHMs cause an array of adverse health effects when consumed. TTHMs can be ingested orally or absorbed through the skin, bio-accumulating in humans and animals, and are known to cause many different health problems. Because TTHMS are known to cause adverse health consequences, EPA has set the Maximum Contaminant Level ("MCL") for TTHMS in drinking water at 80 parts per billion.

66. Long-term exposure to THMs affects adversely the central nervous system, liver,

kidneys, and heart. The EPA has classified THMs as a Group 2 probable carcinogen, known to cause rectal cancer, colon cancer, and bladder cancer. THMs are known to cause birth defects, reproductive problems, and miscarriages. The EPA has established the Maximum Contaminant Level (MCL) for THMs at 80 parts per billion in public drinking water to protect the general public from these contaminants.

c. Leachate and Heavy Metals

67. There are many known human health hazards resulting from exposure to compounds commonly found in landfill leachate, contingent upon the chemical composition of a particular leachate, including but not limited to: abdominal pain, headaches, blurred vision, diarrhea, constipation, chronic nephoropathy, hypertension, tremors, memory loss, seizures, coma, irritability, acute kidney failure, decrease in platelets, anemia that follows gastrointestinal bleed, kidney damage, prostate and lung problems, renal failure, blood disorders, and susceptibility to certain types of cancers.

2. Dangers of Acidic and Corrosive Water to Pipe Systems and Dwellings

68. Advanced Disposal Defendants have repeatedly and unlawfully caused many different acidic and corrosive compounds to enter the Tallapoosa River, and ultimately, the water supply of the Plaintiff.

69. In addition to multiple NPDES Violations for corrosive substances in the Tallapoosa River by way of the Tallassee Sewer and Stabilization Pond and the Advanced Disposal Defendants' unlawful discharges into tributaries of the Chewacla Creek, recent water sampling taken at the discharge underneath the out take for the Tallassee Sewer and Stabilization Pond confirms the fact corrosive chemicals and compounds continue to be discharged into the Tallapoosa River.

70. UBT indicates it experienced corrosion of its pipes in multiple warnings to its customers:

As part of our efforts to reduce the amount of disinfection byproducts

> (DBPs) formed in our system, UBT has initiated an increase in the water main flushing through the distribution system. Many of you may have noticed that many of the oldest water mains located in our distribution area are being systematically replaced and upgraded. Unfortunately, the process of replacing these mains sometimes disrupt the corrosion and sediment buildup within the pipes and even with some of our best efforts to control the effects of these disturbances or shock to the system; some of you may temporarily experience discolored water or odor in the water. We are asking you, our loyal customers, to please bear with us as we continue to make these necessary improvements to your system, which will assist us in consistently meeting our regulatory requirements.

71. It is accepted and generally well known in the scientific community that elevated TTHM levels can be an indicator of unprotected and corroding pipes.

3. Dangers to the Environment.

72. Upon information and belief, the pollutants released by the Plaintiff has substantially damaged the ecosystem, both flora and fauna, of the Tallapoosa River and will continue to cause further harm until the pollution is abated.

COUNT ONE - NEGLIGENCE

73. Plaintiff incorporates all prior paragraphs as if restated herein.

74. Defendants owed a duty to Plaintiff to exercise due and reasonable care in the disposal and treatment of landfill leachate, wastewater, and water for consumption to prevent the discharge of toxic chemicals, including HAAs, TTHMs, and heavy metals into the water supply and onto the properties of the Plaintiff, and adequately warn Plaintiff of the dangers from exposure to these toxic chemicals and compounds.

75. Defendants breached these duties owed to Plaintiff, and under the circumstances, Defendants breaches constitute negligent, willful, and or reckless conduct.

76. As a direct, proximate, and foreseeable result of the Defendants' conduct, practices, actions, and inactions, Plaintiff has suffered and will continue to suffer personal injuries and continued health problems leading to the development of serious health conditions including, but

not limited to, cancer.

77. As a direct, proximate, and foreseeable result of the Defendants' conduct, practices, actions, and inactions, Plaintiff has suffered and will continue to suffer damage to his person and to his interests in real property, as well as out of pocket expenditures. In addition, plaintiff claims damages for mental anguish and emotional distress based on the willful and or reckless conduct of the Defendants.

COUNT TWO - NUISANCE

78. Plaintiff incorporates all prior paragraphs as if restated herein.

79. Plaintiff as a person who is a resident or citizen of Macon County, Alabama; rent or own property in Macon County, Alabama on the Tallapoosa River or in close proximity thereof; have purchased and or used water from the UBT; use the water from the UBT to drink, cook, bathe, water the lawn, and other domestic purposes; use the Tallapoosa River as a place of recreation; and at all times, have been subjected to repeated exposure to contaminated water.

80. Under Alabama Law, a nuisance is "anything that works hurt, inconvenience, or damage to another." ALA. CODE § 6-5-120 (1975).

81. Defendants have created a continuing nuisance through the unlawful disposal and creation of pollutants, which eventually are discharged into the Tallapoosa River, and ultimately, the water sold to the citizens of Tuskegee by the UBT. This ongoing pollution and contamination of the Plaintiff's water supply has caused and continues to cause the Plaintiff hurt, inconvenience, and harm, as it would to any other reasonable person.

82. It was reasonably foreseeable, and in fact known to the Defendants, that their actions would place, and have placed, the Plaintiff in an immediate risk of physical harm. The nuisance has caused, and will continue to cause, mental anguish to Plaintiff until it is satisfactorily abated.

83. Plaintiff has suffered a "special damage" apart from the general public by using, consuming, or otherwise being repeatedly exposed water contaminated by HAAs, TTHMs, heavy

metals, and or other harmful chemicals or compounds.

COUNT THREE - ABATEMENT OF A NUISANCE AND INJUNCTIVE RELIEF

84. Plaintiff incorporates all prior paragraphs as if restated herein.

85. Plaintiff has the right to bring an action to abate the nuisance caused by the Defendants' discharge of HAAs, TTHMs, heavy metals including lead, E. coli, pH imbalance, TRC, total suspended solids, cryptosporidium, chloride, giardia, and related chemicals and compounds into the Tallapoosa River, which has caused and continues to cause contamination of the Tallapoosa River, the public water supply of the Plaintiff, because their injury is different in kind from the injury suffered by the public at large.

86. In addition to their claims for damages, Plaintiff is entitled to an injunction to abate the nuisance created, maintained, and perpetuated by the Defendants. The Court should issue an injunction requiring Defendants to cease and desist any further pollution of the Plaintiff's water supply, and remove their chemicals and toxins from the water supplies of Plaintiff, based on the continuing and irreparable injury to Plaintiff posed by the continuing nuisance and damage to Plaintiff's persons and properties, for which there is no adequate remedy at law.

COUNT FOUR - CIVIL CONSPIRACY

87. Plaintiff incorporates all prior paragraphs as if restated herein.

88. "The elements of civil conspiracy in Alabama are: (1) concerted action by two or more persons (2) to achieve an unlawful purpose or a lawful purpose by unlawful means." Ex Parte Alamo Tile, 128 So. 3d 700, 713 (Ala. 2013) (citing *Luck v. Primus Auto. Fin. Servs., Inc.,* 763 So. 2d 243, 247 (Ala. 2000)).

89. Defendant Advanced Disposal, Inc. acted in concert with the City of Tallassee and other fictitious Defendants attempt to treat landfill leachate in the Tallassee Sewer and Stabilization Pond at a bargain price, despite all parties knowing the Tallassee Sewer and Stabilization Pond did not have the capacity to treat the effluent it was receiving, resulting in multiple and continuous

NPDES permit violations as well as the discharge HAAs, TTHMs, heavy metals including lead, E. coli, pH imbalance, TRC, chloride, total suspended solids, cryptosporidium, giardia, and related chemicals and compounds into the Tallapoosa River and the water supply of the Plaintiff.

COUNT FIVE - BATTERY

90. Plaintiff incorporates all prior paragraphs as if restated herein.

91. The Defendants touched or contacted the Plaintiff through their unlawful release of HAAs, TTHMs, heavy metals including lead, E. coli, pH imbalance, Total Residual Chlorine TRC, total suspended solids, cryptosporidium, chloride, giardia, and related chemicals and compounds into the Tallapoosa River and the water supply of the Plaintiff.

92. The Defendants intended to touch or contact the Plaintiff through their release and related chemicals and compounds into the Tallapoosa River and the water supply of the Plaintiff, and knew or should have known their intentional acts would be substantially certain to result in such contact, or were recklessly indifferent to whether such contact would occur.

93. The touching or contact of the Plaintiff by the Defendants was and is harmful and offensive.

94. The Defendants' battery is continuing, because Defendants discharges of HAAs, TTHMs, heavy metals including lead, E. coli, pH imbalance, TRC, chloride, total suspended solids, cryptosporidium, giardia, and related chemicals and compounds into the Tallapoosa River and the water supply of the Plaintiff, and remain unabated.

95. As a result of the Defendants' battery, the Plaintiff has been and continue to be damaged.

COUNT SIX - TRESPASS

96. Plaintiff incorporates all prior paragraphs as if restated herein.

97. Defendants have systematically engaged in the discharge and or introduction of HAAs, TTHMs, heavy metals including lead, E. coli, pH imbalance, TRC, chloride, total suspended

solids, cryptosporidium, giardia, and related chemicals and compounds into the Tallapoosa River and the water supply of the Plaintiff are continuing, and in fact, and remain unabated.

98. Through the intentional actions of the Defendants, the contaminated water has entered the persons and the residences of the Plaintiff, causing damage to person and property through its corrosive and acidic properties, which has and continues to affect the Plaintiff's exclusive interests in their properties and damaged the Plaintiff's residences.

99. Plaintiff did not consent to the invasion of their persons or properties by the Defendants chemicals.

100. Defendants knew or should have known their discharges of HAAs, TTHMs, heavy metals including lead, E. coli, pH imbalance, TRC, total suspended solids, cryptosporidium, giardia, chloride, and related chemicals and compounds into the Tallapoosa River and the water supply of the Plaintiff could result in an invasion of Plaintiff's property interests.

101. Defendants' trespass is continuing because Defendants discharges of HAAs, TTHMS, heavy metals including lead, E. coli, pH imbalance, TRC, chloride, total suspended solids, cryptosporidium, giardia, and related chemicals and compounds into the Tallapoosa River and the water supply of the Plaintiff is continuing, and in fact, and remain unabated.

102. Defendants continuing trespass has impaired the Plaintiff's use and enjoyment of his property, and well as caused damages by damaging internal structures, decreasing property values, and stigmatizing Plaintiff's residence.

103. Therefore, Plaintiff individually claims money damages in an amount that will fairly and reasonably compensate him for the harm caused by Defendants, including damages to their person, property damages, out-of-pocket expenditures, and reasonably ascertainable future expenditures. In addition, the Plaintiff claims damages for mental anguish and emotional distress in an amount to be determined by the jury that is fair and reasonable in light of the nature, severity, length, egregiousness, and time of the trespass caused by the Defendants.

COUNT SEVEN - WANTONNESS AND PUNITIVE DAMAGES

104. Plaintiff incorporates all prior paragraphs as if restated herein.

105. Defendants owe a duty to Plaintiff to exercise due and reasonable care in their manufacturing, use, and disposal operations to prevent the discharge and creation of toxic chemicals and compounds, including TTHMs, HAAs, heavy metals, e.coli, and fecal coliform, chloride, and related chemicals and compounds into the Tallapoosa River—the public water supply of the Plaintiff.

106. In breaching the duties described above, Defendants acted in a wanton, willful, and reckless manner.

107. Advanced Disposal Defendants knew or should have known the danger to Plaintiff created by the multiple unlawful discharges into the Tallapoosa River through the Tallassee Sewer and Stabilization Pond, just two to three (2-3) miles from the intake for the UBT, as well as the multiple unlawful discharges into Chewacla Creek and its tributaries, which ultimately discharges into the Tallapoosa River just 500 feet upriver of the intake for the UBT, and Mill Creek, which discharges just north of Chewacla Creek.

108. UBT knew or should have known the danger to Plaintiff created by the continued sale of water of the health and safety limits for harmful pollutants, and taken reasonable action to prevent the distribution of contaminated water to Plaintiff.

109. Defendants knew or should have known of the likely impact, harm, damage, and injury their conduct would have on the Plaintiff.

110. Defendants' conduct, practices, and inactions evidence Defendants' reckless disregard for the health of the Plaintiff, the Plaintiff's property rights, and the environmental health of the community.

111. In addition to compensatory damages, Defendants should also be liable for punitive damages as a result of Defendants' wantonness in an amount determined by the character and degree

of Defendants' wrongful conduct, and the necessity to prevent the same or similar wrongful conduct by the Defendants and others in the future.

COUNT EIGHT - FICTITIOUS PARTIES

112. Plaintiff incorporates all prior paragraphs and each count set forth herein as if fully restated and set forth herein.

113. Defendants, identified as fictitious parties A, B, C, D . . . and Z have caused and or contributed to cause the harm and damages caused to the Plaintiff and have neglected the duties owed to the Plaintiff under the common laws of the State of Alabama as specifically set forth in Counts One through Seven of this Complaint.

114. Defendants, identified as fictitious parties A, B, C, D. . . Z are participants, aiders or abettors, and contributing tortfeasors that have jointly and severally participated in causing the damages being sought by the Plaintiff.

115. As a result, the Plaintiff individually claim money damages in an amount that will fairly and reasonably compensate it for the harm caused by Defendants, including damages to their person, property damages, out-of-pocket expenditures, and reasonably ascertainable future expenditures. In addition, the Plaintiff claim damages for mental anguish and emotional distress in an amount to be determined by the jury that is fair and reasonable in light of the negligent and wanton behavior of the Defendants, as well as the nature, severity, length, egregiousness, and time of the trespass, battery, and nuisance caused by the Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, as an individual, respectfully requests this Court to enter an award of damages commensurate to the level of injuries caused by the Defendants in this case, in an amount to be determined by a jury, and to enter an injunction precluding the Defendants from further destruction of the Tallapoosa River and the Plaintiff's water supply.

JURY TRIAL DEMAND

Plaintiff demands a trial of this action by a struck jury.

s/Ted L. Mann
Ted L. Mann (MAN021)
E-mail: ted@mannpotter.com

Attorney for Plaintiff
Mann & Potter, P.C.
600 University Park Place, Suite 250
Birmingham, AL 35209
Phone: (205) 879-9661
Fax: (205) 879-9663

s/Jeff Friedman
Jeff Friedman (FRI-018)
E-mail: jfriedman@friedman-lawyers.com

s/Jay Friedman
Jay Friedman (FRI-049)
E-mail: jayfriedman@friedman-lawyers.com

Attorney for Plaintiff
Friedman, Dazzio, Zulanas & Bowling, P.C.
3800 Corporate Drive
Birmingham, AL 35242
Phone: (205) 278-7057
Fax: (205) 278-7001

s/Keith Thomas
Keith Thomas
E-mail: ktatty@me.com
Attorney Code: THO135

Attorney for Plaintiff
Keith Thomas, Esquire
Post Office Box 830899
Tuskegee, Alabama 36083
Phone: (334) 724-0035
Fax: (334) 724-0076

DEFENDANTS' ADDRESSES:

Advanced Disposal Services South, LLC
c/o CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104

Advanced Disposal Services Alabama Holdings, LLC
c/o CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104

Stone's Throw Landfill, LLC
c/o CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104

Tallassee Waste Disposal Center, Inc.
c/o CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104

Advanced Disposal Services, Inc.
90 Fort Wade Road, Suite 200
Ponte Vedra, Florida 32081

Utilities Board of the City of Tuskegee
101 Fonville Street
Tuskegee, Alabama 36083

PLEASE SERVE THE SUMMONS AND COMPLAINT, TOGETHER WITH ALL DISCOVERY, BY CERTIFIED MAIL.