

12-Person Jury

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DOROTHY BROWN  
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2018L010475

IN THE CIRCUIT COURT OF  
COOK COUNTY, ILLINOIS  
LAW DIVISION

SUSAN KAMUDA; and	)	
EDWARD KAMUDA;	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.
	)	
STERIGENICS INTERNATIONAL, INC.;	)	
STERIGENICS INTERNATIONAL LLC;	)	<b>JURY DEMANDED</b>
STERIGENICS U.S., LLC; BOB NOVAK;	)	
DANIEL GIBALA; and GTCR, LLC;	)	
	)	
	)	
Defendants.	)	

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COMPLAINT AT LAW

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Plaintiffs, SUSAN KAMUDA and EDWARD KAMUDA, by and through counsel, Salvi, Schostok & Pritchard P.C., state as follows for this complaint against Defendants STERIGENICS INTERNATIONAL, INC., STERIGENICS INTERNATIONAL LLC, STERIGENICS U.S. LLC (collectively "Sterigenics"), BOB NOVAK, DANIEL GIBALA, and GTCR, LLC:

**GENERAL ALLEGATIONS**

**OVERVIEW**

1. Since 1984, Sterigenics has been emitting ethylene oxide ("EtO"), a known carcinogen, into the air from its facility located in Willowbrook, Illinois. As a result, for the last 34 years, those who live and work in Willowbrook and the surrounding area have unknowingly been inhaling EtO in the air they breathe on a routine and continuous basis.

2. Sterigenics never informed the residents of the Willowbrook community or those who live or work nearby that it systematically emits EtO into the air, nor did Sterigenics warn them that they are routinely and continuously breathing in a known carcinogen.

3. On or about August 21, 2018, an “Evaluation of Potential Health Impacts for Ethylene Oxide Emissions” prepared by the U.S. Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (hereinafter “ATSDR”), was released to the general public.<sup>1</sup> The ATSDR report was based upon air measurements of EtO collected in May 2018 from 29 discrete locations near the Sterigenics facility in Willowbrook.

4. Relative to the Sterigenics facility in Willowbrook, the ATSDR concluded that “residents and workers are exposed to elevated airborne EtO concentrations from facility emissions.” The ATSDR further concluded that “*an elevated cancer risk exists* for residents and off-site workers in the Willowbrook community surrounding the Sterigenics facility,” and that “[t]hese elevated risks *present a public health hazard to these populations.*” Among other things, the ATSDR Evaluation “recommends that Sterigenics take *immediate action* to reduce EtO emissions at this facility.”

5. According to the EPA, the upper limit of acceptable cancer risk for air toxics, such as EtO, is 1 in 10 thousand (or 100 in 1 million). In other words, according to the EPA, it “will generally presume that if the risk to that individual is no higher than approximately 1 in 10 thousand, that risk level is considered acceptable . . .”<sup>2</sup>

6. Based upon the EPA’s 2014 National Air Toxics Assessment, there are 106 census tracts in the United States with cancer risk scores greater than the acceptable limits. Most of those

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<sup>1</sup> [https://www.atsdr.cdc.gov/HAC/pha/sterigenic/Sterigenics\\_International\\_Inc-508.pdf](https://www.atsdr.cdc.gov/HAC/pha/sterigenic/Sterigenics_International_Inc-508.pdf)

<sup>2</sup> <https://www.epa.gov/national-air-toxics-assessment/nata-frequent-questions>

106 tracts are located in “Cancer Alley,” which is a notorious area along the Mississippi River between Baton Rouge and New Orleans with numerous industrial plants.

7. According to the EPA’s 2014 measurements, the immediate area in DuPage County surrounding the Sterigenics facility in Willowbrook, referred to as Tract 17043845902, has a cancer risk of 281.8075 in 1 million—which is nearly three times higher than the EPA’s acceptable limits.

8. To put this into further context, the EPA’s 2014 National Air Toxics Assessment documented cancer risks in 76,727 census tracts across the country. The Willowbrook Tract, 1704385902, has the highest cancer risk in Illinois and the nineteenth (19th) highest cancer risk in the United States. In other words, the Willowbrook Tract is in the top 99.98% tracts in terms of cancer risk in the country.

9. Figure 1, below, identifies the nineteen census tracts in the United States with the highest cancer risk. Twelve are located along Cancer Alley. Five tracts have sterilization plants, such as Sterigenics, that emit massive amounts of EtO. In fact, sterilization plants are almost entirely responsible for causing the extraordinarily high cancer risks in DuPage County, Illinois, Jefferson County, Colorado, and Lehigh County, Pennsylvania.

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Figure 1

	A	B	C	D	E	F	G
1	State	EPA Region	County	FIPS	Tract	Population	Total Cancer Risk (per million)
2	LA	EPA Region 6	St. John the Baptist	22095	22095070800	2,537	1,505.1167
3	LA	EPA Region 6	St. Charles	22089	22089060100	1,937	808.7227
4	LA	EPA Region 6	St. John the Baptist	22095	22095070900	3,115	616.6193
5	PA	EPA Region 3	Lehigh	42077	42077005902	1,571	596.4609
6	CO	EPA Region 8	Jefferson	08059	08059010902	2,310	525.5596
7	LA	EPA Region 6	St. John the Baptist	22095	22095070700	4,348	511.3240
8	LA	EPA Region 6	St. John the Baptist	22095	22095071000	2,840	490.2785
9	LA	EPA Region 6	St. John the Baptist	22095	22095000000	45,924	413.3152
10	WV	EPA Region 3	Kanawha	54039	54039013400	2,222	366.6597
11	LA	EPA Region 6	St. John the Baptist	22095	22095071100	3,398	363.1912
12	TX	EPA Region 6	Harris	48201	48201343100	4,629	348.2016
13	PA	EPA Region 3	Lehigh	42077	42077000101	3,661	346.5181
14	LA	EPA Region 6	St. John the Baptist	22095	22095070500	6,229	329.2657
15	LA	EPA Region 6	St. John the Baptist	22095	22095070100	2,685	303.0079
16	LA	EPA Region 6	St. John the Baptist	22095	22095070300	6,258	296.3112
17	TX	EPA Region 6	Harris	48201	48201343200	4,944	296.1831
18	LA	EPA Region 6	St. John the Baptist	22095	22095070400	4,381	286.5417
19	LA	EPA Region 6	St. Charles	22089	22089062700	4,753	284.5145
20	IL	EPA Region 5	DuPage	17043	17043845902	3,411	281.8075

10. With particular respect to the Willowbrook Tract, 88.98% of the elevated cancer risk is attributed to EtO emissions; and the only facility in the Willowbrook Tract emitting EtO is Sterigenics. As a result, Sterigenics alone is almost entirely responsible for the Willowbrook Tract having the 19th highest cancer risk in the country.

11. Most troubling is that only one facility in the entire country emits more EtO than the Sterigenics facility in Willowbrook.

12. The data cited above, specifically in Paragraphs 6 through 11, is based on sampling from 2014. More recent data, however, reveals that the cancer risk in Willowbrook is far higher than previously determined. In May 2018, air samples were taken and analyzed from the area surrounding the Sterigenics facility in Willowbrook. Those samples revealed a current cancer risk of 6,400 in 1 million (or 64 in 10 thousand), which is 64 times the acceptable limit.

13. As a direct and proximate result of Sterigenics' emissions of ethylene oxide over the course of the last 34 years, the Willowbrook community has become one of the most toxic and one of the most dangerous communities from a health and well-being standpoint in the entire country. Those who live and work in the Willowbrook area have been victimized by Sterigenics' negligent acts and omissions, as well as its conscious disregard and reckless indifference to human life and the health and well-being of those in the community.

14. Neither the extent of Sterigenics' EtO emissions nor the impact of those emissions on the health and well-being of those who live and work in the Willowbrook area was known by the general public until the August 21, 2018 release of the ATSDR report and the August 22, 2018 release of EPA's 2014 National Air Toxics Assessment.

#### **PARTIES**

15. Plaintiff, Susan Kamuda, is 67 years old and lives at 7802 Eleanor Place, Willowbrook, Illinois, approximately 0.3 miles from the Sterigenics facility. She has lived there for approximately 33 years. In 2007, Susan Kamuda was diagnosed with breast cancer. She did not have notice that her breast cancer was wrongfully caused or that it was caused by Sterigenics' emissions of EtO until the recent ATSDR report was released in August 2018.

16. Sterigenics International, Inc. and Sterigenics International, LLC provide contract sterilization services across the world. Together they operate 46 facilities in 13 countries.

17. In 2011, Sterigenics International, Inc. was purchased for \$675 million by the Chicago-based private equity firm, GTCR, LLC. The Chairman of GTCR, LLC in 2011 was current Illinois Governor Bruce Rauner.

18. Subsequently, in 2017, Sterigenics International LLC announced that it had changed its parent name to Sotera Health LLC. Sotera Health LLC is also owned in part by GTCR, LLC, Governor Rauner's former equity firm.

19. Sterigenics U.S., LLC, is a publicly-traded subsidiary of Sotera Health LLC, with its headquarters and principal place of business located at 2015 Spring Road, Suite 650, Oak Brook, Illinois 60523.

20. At all times relevant for the time period referenced herein, GTCR, LLC, owned, operated, managed, and/or maintained Sterigenics, with its principal place of business at 300 N. LaSalle Street, Suite 5600, Chicago, Cook County, IL.

21. Sterigenics operates two buildings in Willowbrook. Building One is located at 7775 S. Quincy Street and Building Two is located at 830 Midway Drive.

22. Sterigenics operates another facility at 711 Cooper Court, Schaumburg, Cook County, Illinois.

23. Bob Novak is the Operations Manager at the Sterigenics facility in Willowbrook, and has worked in that capacity since August 2003. He is responsible for the operation of the facility, coordinating and overseeing all activities in plant operations, and overall plant safety.

24. Daniel Gibala, is the Ethylene Oxide Validation Coordinator at the Sterigenics facility in Willowbrook, and has worked in that capacity since July 2013. He is responsible for validating and revalidating the sterilization process at the Sterigenics' facility.

25. Upon information and belief, Daniel Gibala is a Cook County resident, residing in Mount Prospect, Illinois.

## VILLAGE OF WILLOWBROOK

26. The Village of Willowbrook is a suburban community located roughly 20 miles southwest of Chicago. Its population is approximately 8,500. The Village owns and operates over 54 acres of parks on 10 separate sites throughout the Village.

27. The two Sterigenics buildings in Willowbrook—Building One and Building Two—are both located in a densely populated metropolitan area with 19,271 people living within one mile.

28. Gower Middle School in Burr Ridge is located 0.7 miles from the Sterigenics facility, and has an enrollment of approximately 400 students. Gower West Elementary School is 0.9 miles from the Sterigenics facility. Coney's Cradle Infant Care, Inc., is a daycare center located 0.7 miles from the Sterigenics facility. Hinsdale South High School, with an enrollment of 1,500 students, is located 1.1 miles from the Sterigenics facility.

29. The Willowbrook Police Department, with its 23 full-time sworn police officers and three civilian employees, is located a mere 495 feet from the Sterigenics facility. Willowbrook's Village Office and City Hall is located 0.2 miles from the Sterigenics facility.

30. The Willowbrook Community Park is 0.6 miles from the Sterigenics facility. And there are highly dense residential areas to the immediate west of the Sterigenics facility within 0.3 miles, to the southeast within 0.6 miles, to the southwest within 0.9 miles, to the north within 0.7 miles, to the northeast within 0.8 miles, and to the east within 1.0 mile.

31. Willowbrook Town Center, which is located 1.1 miles from the Sterigenics facility, has nearly 200,000 square feet of retail stores, restaurants, and other businesses. There are 91,000 residents within a three mile radius of the Willowbrook Town Center, and an additional 33,000 people employed in the area's 3,000-plus businesses.

32. Figure 2, below, depicts the area within a 1.5 mile radius of the Stergenics facility.

**Figure 2**



### **ETHYLENE OXIDE**

33. The DNA damaging properties of ethylene oxide have been studied since the 1940s, and for more than 40 years it has been consistently recognized as dangerous, toxic, and carcinogenic.

34. In a 1977 report, the National Institute for Occupational Safety and Health (“NIOSH”) concluded that occupational exposure to EtO may increase the frequency of mutations in human populations and recommended that EtO be considered as mutagenic and potentially carcinogenic to humans. Given EtO’s carcinogenic potential, the 1977 NIOSH report also recommended that alternative sterilization processes be used whenever available.

35. In 1981, NIOSH released a new bulletin focusing on new evidence of carcinogenic, mutagenic, and reproductive hazards associated with EtO. It also reiterated that EtO was a potential occupational carcinogen and reported that no safe levels of EtO exposure have been demonstrated.



36. In 1985, the U.S. Department of Health and Human Services published the Fourth Annual Report on Carcinogens and classified EtO as *reasonably anticipated to be a human carcinogen*.

37. In 2000, the U.S. Department of Health and Human Services published the Ninth Annual Report on Carcinogens and revised its classification for EtO to *known to be a human carcinogen*.

38. The World Health Organization's International Agency for Research on Cancer has also elevated EtO to a Group 1 carcinogen, finding, "Ethylene Oxide is carcinogenic to humans."

39. In 2016, the U.S. EPA's Integrated Risk Information System (IRIS) increased the cancer potency of EtO by 30 times.

40. The half-life of ethylene oxide in the atmosphere has been reported in certain circumstances to be two-hundred eleven (211) days. Neither rain nor absorption into aqueous aerosols is capable of removing ethylene oxide from the atmosphere.

41. Acute exposure to EtO can result in nausea, vomiting, neurological disorders, bronchitis, pulmonary edema, and emphysema.

42. Chronic exposure to EtO can irritate the eyes, skin, nose, throat, and lungs, and cause harm to the brain and nervous system leading to headaches, nausea, memory loss, and numbness.

43. Chronic inhalation exposure to EtO can also cause reproductive and developmental impairments. Evidence recognized by the EPA indicates that inhalation exposure to EtO can cause an increased rate of miscarriages in females. Evidence also indicates that EtO inhalation exposure can cause decreased sperm concentration and testicular degeneration.

44. Additionally, inhalation exposure to EtO can cause mutations and chromosomal damage that can lead to birth defects and cancer. Even when exposure to EtO diminishes or ceases, the frequency of sister chromatid exchanges (mutations/chromosomal alterations) have been found to remain elevated for at least six months.

45. Chronic inhalation exposure to EtO also causes cancer. Evidence recognized by the EPA indicates that inhalation exposure to EtO causes lymphatic cancers, leukemia, and breast cancer. There is also evidence that EtO causes brain cancer, lung cancer, and uterine cancer. As a result, the EPA has concluded that EtO is carcinogenic to humans by the inhalation route of exposure. The stated confidence in this classification is "HIGH."

#### **STERIGENICS' OPERATIONS**

46. Sterigenics and its predecessors have been releasing EtO into the air in the Willowbrook area since 1984. The facility stores EtO and sprays it into gas chambers to sterilize medical equipment and pharmaceuticals. Building One of the Sterigenics facility, which was constructed in 1984, holds fifteen gas chambers, while Building Two, which was constructed in 1999, holds four gas chambers. Vents on the gas chambers have been and, upon information and belief, remain uncontrolled. This means that EtO is released from the nineteen gas chambers, through the vents, and into the Willowbrook air without any pollution controls.

47. The Sterigenics facility operates 24 hours per day, which means toxic, cancerous gas is emitted from the Sterigenics facility on a steady and continuous basis. As a result, EtO is a constant element in the air breathed by those who live and work near the Willowbrook facility.

48. From 1995 through 2016, the reported EtO emissions from the Sterigenics facility are depicted in Figure 3, below:

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Figure 3

Year	Pounds	Year	Pounds
1995	18,213 lbs.	2006	3,985 lbs.
1996	22,000 lbs.	2007	3,698 lbs.
1997	26,000 lbs.	2008	3,597 lbs.
1998	31,000 lbs.	2009	3,429 lbs.
1999	1,440 lbs.	2010	6,869 lbs.
2000	7,341 lbs.	2011	6,878 lbs.
2001	7,848 lbs.	2012	6,811 lbs.
2002	6,686 lbs.	2013	5,892 lbs.
2003	6,630 lbs.	2014	5,036 lbs.
2004	5,039 lbs.	2015	4,706 lbs.
2005	2,621 lbs.	2016	4,009 lbs.

49. No data on ambient air emissions was kept before 1995. Therefore, from 1984 to 1994, it is not definitively known without discovery from Sterigenics as to how many pounds of EtO Sterigenics released into the air. However, in the few years thereafter, from 1995 to 1998, Sterigenics released an average of 24,203 pounds of EtO into the atmosphere from its Willowbrook facility. It is therefore reasonable to conclude that the pre-1995 emissions of EtO were similar to those from 1995 to 1998.

50. At all relevant times, Sterigenics has known or should have known that EtO is toxic and dangerous to human health and well-being. In addition, at all relevant times, Sterigenics has known or should have known that EtO is classified as a carcinogen and has been determined to cause various illnesses and ailments including, but not limited to, cancer.

51. Sterigenics has also been the subject of regulatory and administrative enforcement relative to its EtO emissions. Beginning in 1992, Sterigenics operated a sterilization facility in Zoetermeer, a city in the western Netherlands. The Zoetermeer facility was located in an area with residential housing and numerous small business. In 2009, it was determined that Sterigenics had been knowingly releasing too much EtO into the air for a number of years and was penalized.

Sterigenics, however, continued with its excessive emissions until it was ultimately shut down in 2010. According to the Public Prosecutor in Zoetermeer, Sterigenics knew of the unauthorized emissions, but failed to act and did not warn local residents about the emissions or the dangers associated therewith.

52. On or about October 7, 2013, Sterigenics released ethylene glycol (which is made from EtO) into the soil and groundwater at its Willowbrook facility. In addition, on October 21, 2013, Sterigenics reported the uncontrolled release of 30 pounds of ethylene oxide into the air from its Willowbrook facility. The Illinois Attorney General filed a lawsuit against Sterigenics for its water and air pollution and alleged numerous violations of environmental statutes and regulations. Sterigenics entered into a consent order whereby it agreed to pay a \$50,000.00 fine.

53. Notwithstanding Sterigenics' knowledge concerning the dangers of operation, it has been emitting EtO from its facility in Willowbrook on a routine and constant basis for 34 years. Further, notwithstanding Sterigenics' knowledge that chronic inhalation exposure to EtO causes adverse conditions to the eyes, skin, nose, throat, lungs, and nervous system, reproductive and developmental impairments, mutations, chromosomal damage, birth defects, and cancer, it has failed to warn those who live and work in the Willowbrook area that they are being exposed to and breathing in EtO on a routine and constant basis.

#### **COUNT 1**

##### **Negligence – Sterigenics International, Inc.**

54. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 53 as if fully set forth as Paragraph 54.

55. Sterigenics International, Inc. owned and operated the Sterigenics facility in Willowbrook, Illinois, during a material portion of time since 1984.

56. Sterigenics International, Inc. managed, controlled, and supervised sterilization operations at the Sterigenics facility in Willowbrook, Illinois, during a material portion of time since 1984.

57. Sterigenics International, Inc. had and continues to have a duty to exercise ordinary care for the health, safety, and well-being of Plaintiff and those living and working in the area surrounding its Willowbrook facility.

58. At all relevant times, Sterigenics International, Inc. knew or should have known that the EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

59. Sterigenics International, Inc. breached its duty and failed to exercise ordinary care of the health and well-being of Plaintiff in one or more of the following ways:

- a. By emitting EtO into the air from its Willowbrook facility;
- b. By emitting excessive, unnecessary, and/or dangerous volumes of EtO into air from its Willowbrook facility;
- c. By using EtO as part of its sterilization process when safer alternatives could accomplish the same or similar business purpose without presenting the same level of risk to human health and well-being;
- d. By placing its own economic interests above the health and well-being of those who live or work in the Willowbrook community;
- e. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO;
- f. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO;
- g. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that it was emitting a known carcinogen into the air from its facility in Willowbrook;
- h. By failing to employ safe methods to adequately control, reduce, minimize, and/or mitigate EtO emissions from its Willowbrook facility;

- i. By failing to adequately study and test the effect of its EtO emissions from its Willowbrook facility on the quality of air;
- j. By failing to adequately study and test the effect of its EtO emissions from its Willowbrook facility on the health and well-being of those who live and work in the Willowbrook community; and
- k. By subjecting Plaintiff and those who live and work nearby its Willowbrook facility to an elevated cancer risk.

60. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

61. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics International Inc. in an amount to be determined by a trier of fact.

**COUNT II**  
**Willful and Wanton Conduct – Sterigenics International, Inc.**

62. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 61 as if fully set forth as Paragraph 62.

63. Sterigenics International, Inc. had and continues to have a duty to refrain from willful and wanton conduct and/or conduct that exhibits a reckless indifference and/or conscious disregard to the health, safety, and well-being of Plaintiff and those living and working in the area surrounding Sterigenics Willowbrook facility.

64. At all relevant times, Sterigenics International, Inc. knew that EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

65. Sterigenics International, Inc. breached its duty and was guilty of willful and wanton conduct in one or more of the following ways:

- a. By emitting EtO into the air from its Willowbrook facility notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- b. By placing its own economic interests above the health, safety, and well-being of those who live or work in the Willowbrook community;
- c. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- d. By failing to a warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- e. By emitting EtO, a known carcinogen, into the air from its Willowbrook facility before fully studying, researching, or understanding the deleterious impact that EtO inhalation exposure has on the health, safety, and well-being of those in the surrounding area;
- f. Deliberately concealing its knowledge concerning the deleterious impact that EtO inhalation exposure has on those who live or work in the Willowbrook community;
- g. By subjecting Plaintiff and those who live and work nearby its Willowbrook facility to an elevated cancer risk without warning them of the same.

66. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

67. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics International Inc. in an amount be determined by a trier of fact.

### **COUNT III**

#### **Ultrahazardous Activity / Strict Liability – Sterigenics International, Inc.**

68. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 67 as if fully set forth as Paragraph 68.

69. Sterigenics International, Inc.'s use and emission of EtO from its Willowbrook facility constitutes an ultrahazardous activity.

70. Sterigenics International, Inc.'s use and emission of EtO created a high degree of risk to those who live and work and the surrounding area. Further, the likelihood of cancer caused by its use and emission of EtO is as much as 64 times the level of acceptable risk.

71. Sterigenics International, Inc.'s use and emission of EtO is especially inappropriate given the area in which it is located; namely, within a densely populated residential area, and among schools, municipal buildings, and parks.

72. While the activities conducted by Sterigenics International, Inc. are exceedingly dangerous, it offers little to no value to the surrounding community.

73. Because the activities of Sterigenics International, Inc. are ultrahazardous, it is strictly liable for any injuries proximately resulting therefrom.



74. As a direct and proximate result of Sterigenics International, Inc.'s ultrahazardous activities, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

75. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics International Inc. in an amount be determined by a trier of fact.

**COUNT IV**  
**Civil Battery – Sterigenics International, Inc.**

76. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 75 as if fully set forth as Paragraph 76.

77. At all relevant times, Sterigenics International, Inc. knew or should have known that the EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

78. Notwithstanding this knowledge, Sterigenics International, Inc. caused and/or set in motion events that caused EtO to come in contact with Plaintiff.

79. Plaintiff's contact with EtO was offensive and harmful.

80. Sterigenics International, Inc. intended to emit EtO into the air with knowledge that it would contact those who live and work in the area surrounding its Willowbrook facility.

81. Plaintiff did not consent to contact with EtO emitted from the Sterigenics facility.

82. As a direct and proximate result of Sterigenics International, Inc.'s emission of EtO, Plaintiff was contacted by EtO without her consent and was thereby exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

83. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics International Inc. in an amount be determined by a trier of fact.

**COUNT V**  
**Public Nuisance – Sterigenics International, Inc.**

84. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 83 as if fully set forth as Paragraph 84.

85. The general public has a common right to breathe clean air without dangerous levels of carcinogens such as EtO.

86. Sterigenics International, Inc.'s use and emission of EtO from its Willowbrook facility substantially and unreasonably infringes upon and/or transgresses this public right. In particular, the activities of Sterigenics International, Inc. has caused those who live and work in the area surrounding its Willowbrook facility to breathe air containing high levels of EtO on a routine and constant basis, and further, to be exposed to air causing a substantially elevated risk of cancer.

87. Sterigenics International, Inc.'s use and emission of EtO is especially inappropriate given the area in which it is located; namely, within a densely populated residential area, and among schools, municipal buildings, and parks.

88. As a result of Sterigenics International, Inc.'s use and emission of EtO, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

89. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics International Inc. in an amount be determined by a trier of fact.

**COUNT VI**  
**Negligence – Sterigenics International LLC**

90. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 89 as if fully set forth as Paragraph 90.

91. Sterigenics International LLC owned and operated the Sterigenics facility in Willowbrook, Illinois, during a material portion of time since 1984.

92. Sterigenics International LLC managed, controlled, and supervised sterilization operations at the Sterigenics facility in Willowbrook, Illinois, during a material portion of time since 1984.

93. Sterigenics International LLC had and continues to have a duty to exercise ordinary care for the health, safety, and well-being of Plaintiff and those living and working in the area surrounding its Willowbrook facility.

94. At all relevant times, Sterigenics International LLC knew or should have known that the EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

95. Sterigenics International LLC breached its duty and failed to exercise ordinary care of the health and well-being of Plaintiff in one or more of the following ways:

- a. By emitting EtO into the air from its Willowbrook facility;
- b. By emitting excessive, unnecessary, and/or dangerous volumes of EtO into air from its Willowbrook facility;
- c. By using EtO as part of its sterilization process when safer alternatives could accomplish the same or similar business purpose without presenting the same level of risk to human health and well-being;
- d. By placing its own economic interests above the health and well-being of those who live or work in the Willowbrook community;
- e. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO;
- f. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO;
- g. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that it was emitting a known carcinogen into the air from its facility in Willowbrook;
- h. By failing to employ safe methods to adequately control, reduce, minimize, and/or mitigate EtO emissions from its Willowbrook facility;
- i. By failing to adequately study and test the effect of its EtO emissions from its Willowbrook facility on the quality of air;
- j. By failing to adequately study and test the effect of its EtO emissions from its Willowbrook facility on the health and well-being of those who live and work in the Willowbrook community; and
- k. By subjecting Plaintiff and those who live and work nearby its Willowbrook facility to an elevated cancer risk.

96. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

97. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics International LLC in an amount to be determined by a trier of fact.

**COUNT VII**  
**Willful and Wanton Conduct – Sterigenics International LLC**

98. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 97 as if fully set forth as Paragraph 98.

99. Sterigenics International LLC had and continues to have a duty to refrain from willful and wanton conduct and/or conduct that exhibits a reckless indifference and/or conscious disregard to the health, safety, and well-being of Plaintiff and those living and working in the area surrounding Sterigenics Willowbrook facility.

100. At all relevant times, Sterigenics International LLC knew that EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

101. Sterigenics International LLC breached its duty and was guilty of willful and wanton conduct in one or more of the following ways:

- a. By emitting EtO into the air from its Willowbrook facility notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- b. By placing its own economic interests above the health, safety, and well-being of those who live or work in the Willowbrook community;
- c. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO

notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;

- d. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- e. By emitting EtO, a known carcinogen, into the air from its Willowbrook facility before fully studying, researching, or understanding the deleterious impact that EtO inhalation exposure has on the health, safety, and well-being of those in the surrounding area;
- f. Deliberately concealing its knowledge concerning the deleterious impact that EtO inhalation exposure has on those who live or work in the Willowbrook community;
- g. By subjecting Plaintiff and those who live and work nearby its Willowbrook facility to an elevated cancer risk without warning them of the same.

102. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

103. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics International LLC in an amount to be determined by a trier of fact.

**COUNT VIII**  
**Ultrahazardous Activity / Strict Liability – Sterigenics International LLC**

104. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 103 as if fully set forth as Paragraph 104.

105. Sterigenics International LLC's use and emission of EtO from its Willowbrook facility constitutes an ultra-hazardous activity.

106. Sterigenics International LLC's use and emission of EtO created a high degree of risk to those who live and work and the surrounding area. Further, the likelihood of cancer caused by its use and emission of EtO is as much as 64 times the level of acceptable risk.

107. Sterigenics International LLC's use and emission of EtO is especially inappropriate given the area in which it is located; namely, within a densely populated residential area, and among schools, municipal buildings, and parks.

108. While the activities conducted by Sterigenics International LLC are exceedingly dangerous, it offers little to no value to the surrounding community.

109. Because the activities of Sterigenics International LLC are ultrahazardous, it is strictly liable for any injuries proximately resulting therefrom.

110. As a direct and proximate result of Sterigenics International LLC's ultrahazardous activities, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

111. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics International LLC in an amount to be determined by a trier of fact.

**COUNT IX**  
**Civil Battery – Sterigenics International LLC**

112. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 111 as if fully set forth as Paragraph 112.

113. At all relevant times, Sterigenics International LLC knew or should have known that the EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

114. Notwithstanding this knowledge, Sterigenics International LLC caused and/or set in motion events that caused EtO to come in contact with Plaintiff.

115. Plaintiff's contact with EtO was offensive and harmful.

116. Sterigenics International LLC intended to emit EtO into the air with knowledge that it would contact those who live and work in the area surrounding its Willowbrook facility.

117. Plaintiff did not consent to contact with EtO emitted from the Sterigenics facility.

118. As a direct and proximate result of Sterigenics International LLC's emission of EtO, Plaintiff was contacted by EtO without her consent and was thereby exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

119. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics International LLC in an amount be determined by a trier of fact.



**COUNT X**  
**Public Nuisance – Sterigenics International LLC**

120. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 119 as if fully set forth as Paragraph 120.

121. The general public has a common right to breathe clean air without dangerous levels of carcinogens such as EtO.

122. Sterigenics International LLC's use and emission of EtO from its Willowbrook facility substantially and unreasonably infringes upon and/or transgresses this public right. In particular, the activities of Sterigenics International LLC have caused those who live and work in the area surrounding its Willowbrook facility to breathe air containing high levels of EtO on a routine and constant basis, and further, to be exposed to air causing an substantially elevated risk of cancer.

123. Sterigenics International LLC's use and emission of EtO is especially inappropriate given the area in which it is located; namely, within a densely populated residential area, and among schools, municipal buildings, and parks.

124. As a result of Sterigenics International LLC's use and emission of EtO, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

125. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics International LLC in an amount be determined by a trier of fact

**COUNT XI**  
**Negligence – Sterigenics U.S., LLC**

126. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 125 as if fully set forth as Paragraph 126.

127. Sterigenics U.S., LLC owned and operated the Sterigenics facility in Willowbrook, Illinois, during a material portion of time since 1984.

128. Sterigenics U.S., LLC managed, controlled, and supervised sterilization operations at the Sterigenics facility in Willowbrook, Illinois, during a material portion of time since 1984.

129. Sterigenics U.S., LLC had and continues to have a duty to exercise ordinary care for the health, safety, and well-being of Plaintiff and those living and working in the area surrounding its Willowbrook facility.

130. At all relevant times, Sterigenics U.S., LLC knew or should have known that the EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

131. Sterigenics U.S., LLC breached its duty and failed to exercise ordinary care of the health and well-being of Plaintiff in one or more of the following ways:

- a. By emitting EtO into the air from its Willowbrook facility;
- b. By emitting excessive, unnecessary, and/or dangerous volumes of EtO into air from its Willowbrook facility;
- c. By using EtO as part of its sterilization process when safer alternatives could accomplish the same or similar business purpose without presenting the same level of risk to human health and well-being;
- d. By placing its own economic interests above the health and well-being of those who live or work in the Willowbrook community;
- e. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO;

- f. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO;
- g. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that it was emitting a known carcinogen into the air from its facility in Willowbrook;
- h. By failing to employ safe methods to adequately control, reduce, minimize, and/or mitigate EtO emissions from its Willowbrook facility;
- i. By failing to adequately study and test the effect of its EtO emissions from its Willowbrook facility on the quality of air;
- j. By failing to adequately study and test the effect of its EtO emissions from its Willowbrook facility on the health and well-being of those who live and work in the Willowbrook community; and
- k. By subjecting Plaintiff and those who live and work nearby its Willowbrook facility to an elevated cancer risk.

132. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

133. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics U.S., LLC in an amount to be determined by a trier of fact.

**COUNT XII**  
**Willful and Wanton Conduct – Sterigenics U.S., LLC**

134. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 133 as if fully set forth as Paragraph 134.

135. Sterigenics U.S., LLC had and continues to have a duty to refrain from willful and wanton conduct and/or conduct that exhibits a reckless indifference and/or conscious disregard to the health, safety, and well-being of Plaintiff and those living and working in the area surrounding Sterigenics Willowbrook facility.

136. At all relevant times, Sterigenics U.S., LLC knew that EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

137. Sterigenics U.S., LLC breached its duty and was guilty of willful and wanton conduct in one or more of the following ways:

- a. By emitting EtO into the air from its Willowbrook facility notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- b. By placing its own economic interests above the health, safety, and well-being of those who live or work in the Willowbrook community;
- c. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- d. By failing to a warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- e. By emitting EtO, a known carcinogen, into the air from its Willowbrook facility before fully studying, researching, or understanding the deleterious impact that EtO inhalation exposure has on the health, safety, and well-being of those in the surrounding area;
- f. Deliberately concealing its knowledge concerning the deleterious impact that EtO inhalation exposure has on those who live or work in the Willowbrook community;

- g. By subjecting Plaintiff and those who live and work nearby its Willowbrook facility to an elevated cancer risk without warning them of the same.

138. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

139. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics U.S., LLC in an amount to be determined by a trier of fact.

#### **COUNT XIII**

#### **Ultra-hazardous Activity / Strict Liability – Sterigenics U.S., LLC**

140. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 139 as if fully set forth as Paragraph 140.

141. Sterigenics U.S., LLC's use and emission of EtO from its Willowbrook facility constitutes an ultra-hazardous activity.

142. Sterigenics U.S., LLC's use and emission of EtO created a high degree of risk to those who live and work and the surrounding area. Further, the likelihood of cancer caused by its use and emission of EtO is as much as 64 times the level of acceptable risk.

143. Sterigenics U.S., LLC's use and emission of EtO is especially inappropriate given the area in which it is located; namely, within a densely populated residential area, and among schools, municipal buildings, and parks.

144. While the activities conducted by Sterigenics U.S., LLC are exceedingly dangerous, it offers little to no value to the surrounding community.

145. Because the activities of Sterigenics U.S., LLC are ultrahazardous, it is strictly liable for any injuries proximately resulting therefrom.

146. As a direct and proximate result of Sterigenics U.S., LLC's ultrahazardous activities, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

147. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics U.S., LLC in an amount to be determined by a trier of fact.

**COUNT XIV**  
**Civil Battery – Sterigenics U.S., LLC**

148. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 147 as if fully set forth as Paragraph 148.

149. At all relevant times, Sterigenics U.S., LLC knew or should have known that the EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

150. Notwithstanding this knowledge, Sterigenics U.S., LLC caused and/or set in motion events that caused EtO to come in contact with Plaintiff.

151. Plaintiff's contact with EtO was offensive and harmful.

152. Sterigenics U.S., LLC intended to emit EtO into the air with knowledge that it would contact those who live and work in the area surrounding its Willowbrook facility.

153. Plaintiff did not consent to contact with EtO emitted from the Sterigenics facility.

154. As a direct and proximate result of Sterigenics U.S., LLC's emission of EtO, Plaintiff was contacted by EtO without her consent and was thereby exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

155. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics U.S., LLC in an amount to be determined by a trier of fact.

**COUNT XV**  
**Public Nuisance – Sterigenics U.S., LLC**

156. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 155 as if fully set forth as Paragraph 156.

157. The general public has a common right to breathe clean air without dangerous levels of carcinogens such as EtO.

158. Sterigenics U.S., LLC's use and emission of EtO from its Willowbrook facility substantially and unreasonably infringes upon and/or transgresses this public right. In particular, the activities of Sterigenics U.S., LLC has caused those who live and work in the area surrounding its Willowbrook facility to breathe air containing high levels of EtO on a routine and constant basis, and further, to be exposed to air causing an substantially elevated risk of cancer.

159. Sterigenics U.S., LLC's use and emission of EtO is especially inappropriate given the area in which it is located; namely, within a densely populated residential area, and among schools, municipal buildings, and parks.

160. As a result of Sterigenics U.S., LLC's use and emission of EtO, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

161. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against Sterigenics U.S., LLC in an amount to be determined by a trier of fact.

**COUNT XVI**  
**Negligence – GTCR, LLC**

162. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 161 as if fully set forth as Paragraph 162.

163. GTCR, LLC owned and operated the Sterigenics facility in Willowbrook, Illinois, during a material portion of time since 1984.

164. GTCR, LLC managed, controlled, and supervised sterilization operations at the Sterigenics facility in Willowbrook, Illinois, during a material portion of time since 1984.

165. GTCR, LLC had and continues to have a duty to exercise ordinary care for the health, safety, and well-being of Plaintiff and those living and working in the area surrounding its Willowbrook facility.



166. At all relevant times, GTCR, LLC knew or should have known that the EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

167. GTCR, LLC breached its duty and failed to exercise ordinary care of the health and well-being of Plaintiff in one or more of the following ways:

- l. By emitting EtO into the air from its Willowbrook facility;
- m. By emitting excessive, unnecessary, and/or dangerous volumes of EtO into air from its Willowbrook facility;
- n. By using EtO as part of its sterilization process when safer alternatives could accomplish the same or similar business purpose without presenting the same level of risk to human health and well-being;
- o. By placing its own economic interests above the health and well-being of those who live or work in the Willowbrook community;
- p. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO;
- q. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO;
- r. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that it was emitting a known carcinogen into the air from its facility in Willowbrook;
- s. By failing to employ safe methods to adequately control, reduce, minimize, and/or mitigate EtO emissions from its Willowbrook facility;
- t. By failing to adequately study and test the effect of its EtO emissions from its Willowbrook facility on the quality of air;
- u. By failing to adequately study and test the effect of its EtO emissions from its Willowbrook facility on the health and well-being of those who live and work in the Willowbrook community; and
- v. By subjecting Plaintiff and those who live and work nearby its Willowbrook facility to an elevated cancer risk.

168. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

169. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against GTCR, LLC in an amount to be determined by a trier of fact.

**COUNT XVII**  
**Willful and Wanton Conduct – GTCR, LLC**

170. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 169 as if fully set forth as Paragraph 170.

171. GTCR, LLC had and continues to have a duty to refrain from willful and wanton conduct and/or conduct that exhibits a reckless indifference and/or conscious disregard to the health, safety, and well-being of Plaintiff and those living and working in the area surrounding Sterigenics Willowbrook facility.

172. At all relevant times, GTCR, LLC knew that EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

173. GTCR, LLC breached its duty and was guilty of willful and wanton conduct in one or more of the following ways:

- a. By emitting EtO into the air from its Willowbrook facility notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;

- b. By placing its own economic interests above the health, safety, and well-being of those who live or work in the Willowbrook community;
- c. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- d. By failing to a warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO notwithstanding its knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- e. By emitting EtO, a known carcinogen, into the air from its Willowbrook facility before fully studying, researching, or understanding the deleterious impact that EtO inhalation exposure has on the health, safety, and well-being of those in the surrounding area;
- f. Deliberately concealing its knowledge concerning the deleterious impact that EtO inhalation exposure has on those who live or work in the Willowbrook community;
- g. By subjecting Plaintiff and those who live and work nearby its Willowbrook facility to an elevated cancer risk without warning them of the same.

174. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

175. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against GTCR, LLC in an amount to be determined by a trier of fact.

**COUNT XVIII**  
**Ultrahazardous Activity / Strict Liability – GTCR, LLC**

176. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 175 as if fully set forth as Paragraph 176.

177. GTCR, LLC's use and emission of EtO from its Willowbrook facility constitutes an ultrahazardous activity.

178. GTCR, LLC's use and emission of EtO created a high degree of risk to those who live and work and the surrounding area. Further, the likelihood of cancer caused by its use and emission of EtO is as much as 64 times the level of acceptable risk.

179. GTCR, LLC's use and emission of EtO is especially inappropriate given the area in which it is located; namely, within a densely populated residential area, and among schools, municipal buildings, and parks.

180. While the activities conducted by GTCR, LLC are exceedingly dangerous, it offers little to no value to the surrounding community.

181. Because the activities of GTCR, LLC are ultrahazardous, it is strictly liable for any injuries proximately resulting therefrom.

182. As a direct and proximate result of GTCR, LLC's ultrahazardous activities, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

183. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against GTCR, LLC in an amount to be determined by a trier of fact.

**COUNT XIX**  
**Civil Battery – GTCR, LLC**

184. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 183 as if fully set forth as Paragraph 184.

185. At all relevant times, GTCR, LLC knew or should have known that the EtO gas emitting from its Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

186. Notwithstanding this knowledge, GTCR, LLC caused and/or set in motion events that caused EtO to come in contact with Plaintiff.

187. Plaintiff's contact with EtO was offensive and harmful.

188. GTCR, LLC intended to emit EtO into the air with knowledge that it would contact those who live and work in the area surrounding its Willowbrook facility.

189. Plaintiff did not consent to contact with EtO emitted from the Sterigenics facility.

190. As a direct and proximate result of GTCR, LLC's emission of EtO, Plaintiff was contacted by EtO without her consent and was thereby exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

191. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against GTCR, LLC in an amount be determined by a trier of fact.

**COUNT XX**  
**Public Nuisance – GTCR, LLC**

192. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 191 as if fully set forth as Paragraph 192.

193. The general public has a common right to breathe clean air without dangerous levels of carcinogens such as EtO.

194. GTCR, LLC's use and emission of EtO from its Willowbrook facility substantially and unreasonably infringes upon and/or transgresses this public right. In particular, the activities of GTCR, LLC has caused those who live and work in the area surrounding its Willowbrook facility to breathe air containing high levels of EtO on a routine and constant basis, and further, to be exposed to air causing a substantially elevated risk of cancer.

195. GTCR, LLC's use and emission of EtO is especially inappropriate given the area in which it is located; namely, within a densely populated residential area, and among schools, municipal buildings, and parks.

196. As a result of GTCR, LLC's use and emission of EtO, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

197. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against GTCR, LLC in an amount to be determined by a trier of fact.

**COUNT XXI**  
**Negligence -- Bob Novak**

198. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 197 as if fully set forth as Paragraph 198.

199. Since August 2003, Bob Novak has been the Operations Manager at the Sterigenics facility in Willowbrook.

200. In that capacity, Bob Novak has been responsible for the operation of the facility, coordinating and overseeing all activities in plant operations, and overall plant safety.

201. At all relevant times, Bob Novak had and continues to have a duty to exercise ordinary care for the health, safety, and well-being of Plaintiff and those living and working in the area surrounding the Sterigenics facility in Willowbrook.

202. At all relevant times, Bob Novak knew or should have known that the EtO gas emitting from the Sterigenics facility in Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

203. Bob Novak breached her duty and failed to exercise ordinary care of the health and well-being of Plaintiff in one or more of the following ways:

- a. By emitting and/or permitting emissions of EtO into the air from the Sterigenics facility in Willowbrook;
- b. By emitting and/or permitting emissions of excessive, unnecessary, and/or dangerous volumes of EtO into air from the Sterigenics facility in Willowbrook;
- c. By using EtO as part of Sterigenics' sterilization process when safer alternatives could accomplish the same or similar business purpose without presenting the same level of risk to human health and well-being;
- d. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO;

- e. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO;
- f. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that Sterigenics was emitting a known carcinogen into the air from its facility in Willowbrook;
- g. By failing to employ safe methods to adequately control, reduce, minimize, and/or mitigate EtO emissions from its Willowbrook facility;
- h. By failing to adequately study and test the effect of Sterigenics' EtO emissions from its Willowbrook facility on the quality of air;
- i. By failing to adequately study and test the effect of Sterigenics' EtO emissions from its Willowbrook facility on the health and well-being of those who live and work in the Willowbrook community; and
- j. By subjecting Plaintiff and those who live and work nearby the Sterigenics facility in Willowbrook to an elevated cancer risk.

204. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

205. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against BOB NOVAK in an amount be determined by a trier of fact.

**COUNT XXII**  
**Willful and Wanton Conduct – Bob Novak**

206. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 205 as if fully set forth as Paragraph 206.



207. At all relevant times, Bob Novak had and continues to have a duty to refrain from willful and wanton conduct and/or conduct that exhibits a reckless indifference and/or conscious disregard to the health, safety, and well-being of Plaintiff and those living and working in the area surrounding Sterigenics Willowbrook facility.

208. At all relevant times, Bob Novak knew that EtO gas emitting from Sterigenics Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

209. Bob Novak breached her duty and was guilty of willful and wanton conduct in one or more of the following ways:

- a. By emitting and/or permitting emissions of EtO into the air from Sterigenics Willowbrook facility notwithstanding her knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- b. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO notwithstanding her knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- c. By failing to a warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO notwithstanding her knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- d. By emitting and/or permitting emissions of EtO, a known carcinogen, into the air from its Willowbrook facility before fully studying, researching, or understanding the deleterious impact that EtO inhalation exposure has on the health, safety, and well-being of those in the surrounding area;
- e. Deliberately concealing her knowledge concerning the deleterious impact that EtO inhalation exposure has on those who live or work in the Willowbrook community;
- f. By subjecting Plaintiff and those who live and work nearby Sterigenics Willowbrook facility to an elevated cancer risk without warning them of the same.

210. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

211. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, he developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against BOB NOVAK in an amount to be determined by a trier of fact.

**COUNT XXIII**  
**Negligence – Daniel Gibala**

212. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 211 as if fully set forth as Paragraph 212.

213. Since July 2013, Daniel Gibala has been the Ethylene Oxide Validation Coordinator at the Sterigenics facility in Willowbrook.

214. In that capacity, Daniel Gibala has been responsible for validating and revalidating the sterilization process at the Sterigenics facility in Willowbrook, which would include testing and analysis to determine the nature and extent of EtO emissions.

215. At all relevant times, Daniel Gibala had and continues to have a duty to exercise ordinary care for the health, safety, and well-being of Plaintiff and those living and working in the area surrounding the Sterigenics facility in Willowbrook.

216. At all relevant times, Daniel Gibala knew or should have known that the EtO gas emitting from the Sterigenics facility in Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

217. Daniel Gibala breached her duty and failed to exercise ordinary care of the health and well-being of Plaintiff in one or more of the following ways:

- a. By permitting emissions of EtO into the air from the Sterigenics facility in Willowbrook;
- b. By permitting emissions of excessive, unnecessary, and/or dangerous volumes of EtO into air from the Sterigenics facility in Willowbrook;
- c. By using EtO as part of Sterigenics' sterilization process when safer alternatives could accomplish the same or similar business purpose without presenting the same level of risk to human health and well-being;
- d. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO;
- e. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO;
- f. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that Sterigenics was emitting a known carcinogen into the air from its facility in Willowbrook;
- g. By failing to employ safe methods to adequately control, reduce, minimize, and/or mitigate EtO emissions from its Willowbrook facility;
- h. By failing to adequately study and test the effect of Sterigenics' EtO emissions from its Willowbrook facility on the quality of air;
- i. By failing to adequately study and test the effect of Sterigenics' EtO emissions from its Willowbrook facility on the health and well-being of those who live and work in the Willowbrook community; and
- j. By subjecting Plaintiff and those who live and work nearby the Sterigenics facility in Willowbrook to an elevated cancer risk.

218. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

219. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against DANIEL GIBALA in an amount be determined by a trier of fact.

**COUNT XXIV**  
**Willful and Wanton Conduct – Daniel Gibala**

220. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 219 as if fully set forth as Paragraph 220.

221. At all relevant times, Daniel Gibala had and continues to have a duty to refrain from willful and wanton conduct and/or conduct that exhibits a reckless indifference and/or conscious disregard to the health, safety, and well-being of Plaintiff and those living and working in the area surrounding Sterigenics Willowbrook facility.

222. At all relevant times, Daniel Gibala knew that EtO gas emitting from Sterigenics Willowbrook facility would have a toxic, poisonous, and highly deleterious effect upon the health, safety, and well-being of persons breathing it.

223. Daniel Gibala breached her duty and was guilty of willful and wanton conduct in one or more of the following ways:

- a. By permitting emissions of EtO into the air from Sterigenics Willowbrook facility notwithstanding her knowledge that EtO is toxic,

poisonous, and causes adverse medical issues including, but not limited to, cancer;

- b. By failing to warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were being exposed to EtO notwithstanding her knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- c. By failing to a warn or advise Plaintiff, as well as those who live or work in the Willowbrook community, that they were breathing in EtO notwithstanding her knowledge that EtO is toxic, poisonous, and causes adverse medical issues including, but not limited to, cancer;
- d. By permitting emissions of EtO, a known carcinogen, into the air from its Willowbrook facility before fully studying, researching, or understanding the deleterious impact that EtO inhalation exposure has on the health, safety, and well-being of those in the surrounding area;
- e. Deliberately concealing her knowledge concerning the deleterious impact that EtO inhalation exposure has on those who live or work in the Willowbrook community;
- f. By subjecting Plaintiff and those who live and work nearby Sterigenics Willowbrook facility to an elevated cancer risk without warning them of the same.

224. As a direct and proximate result of one or more of the foregoing acts or omissions, Plaintiff was exposed to and inhaled great amounts of EtO while living in the Willowbrook community.

225. As a direct and proximate result of Plaintiff's inhalation of EtO from Sterigenics facility, she developed breast cancer which has caused and will continue to cause Plaintiff to incur and endure medical bills, lost wages, pain and suffering, mental anguish, disability, disfigurement, reduced life expectancy, and a loss of her normal life.

WHEREFORE Plaintiff, Susan Kamuda, respectfully requests that judgment be entered in her favor and against DANIEL GIBALA in an amount be determined by a trier of fact.

**COUNT XXV**  
**Loss of Consortium – All Defendants**

226. Plaintiff, Edward Kamuda, incorporates by reference all allegations contained in Paragraphs 1 through 225 as if fully set forth as Paragraph 226.

227. Plaintiff, Edward Kamuda, was and remains the lawful husband of Susan Kamuda.

228. As a direct and proximate result of the aforementioned negligent and willful and wanton acts and/or omissions of Defendants, Plaintiff, Edward Kamuda, suffered a loss of consortium and was deprived of his wife, Susan Kamuda's, services and companionship, and he continues to suffer these injuries.

WHEREFORE Plaintiff, Edward Kamuda, respectfully requests that judgment be entered in his favor and against all Defendants in an amount to be determined by a trier of fact.

**COUNT XXVI**  
**Injunctive Relief – All Defendants**

229. Plaintiff incorporates by reference all allegations contained in Paragraphs 1 through 228 as if fully set forth as Paragraph 229.

230. Defendants have a duty to not pollute the air surrounding the Sterigenics facility in Willowbrook with EtO.

231. Defendants have breached their duty by emitting EtO from Sterigenics Willowbrook facility on a routine and continuous basis.

232. Defendants' current emissions of EtO from the Sterigenics facility in Willowbrook have caused that particular tract to have a cancer risk 64 times greater than that accepted by the EPA.

233. There is no adequate remedy at law sufficient to account for Defendants' continuing EtO emissions.

WHEREFORE, Plaintiff, Susan Kamuda, respectfully requests that this Court issue an injunction as follows:

- a. ordering Defendants to immediately cease using ethylene oxide in Sterigenics Willowbrook facility;
- b. alternatively, ordering Defendants to modify its operations such that the cancer risk in Willowbrook resulting from ethylene oxide emissions is at or under the acceptable level of risk of 1 in 10 ten thousand (or 100 in 1 million).

Respectfully Submitted,

SALVI, SCHOSTOK & PRITCHARD P.C.

By: /s/ Patrick A. Salvi  
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