

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

IN THE LAKE CIRCUIT/SUPERIOR COURT
CAUSE NO. 2018-000
CLERK'S OFFICE

- [1] **DESHEENA ADAMS**, individually, and as mother
and next friend of
[2] **C.B.1**,
[3] **C.B.2**,
[4] **C.H.** and
[5] **C.A.**,
[6] **ROBERTO CABELLO, JR.**,
[7] **MARK COLE**,
[8] **RHONDA COLLIER**, individually, and as mother
and next friend of
[9] **J.J.**,
[10] **ARCELIA CRUZ**,
[11] **ANGELINA GUTEIRREZ DE CRUZ**,
[12] **LETICIA M. DE LUNA**, individually, and as
mother and next friend of
[13] **S.C.**,
[14] **I.L.**,
[15] **I.O.**, and
[16] **C.D.**,
[17] **DONETTA DILLON**, individually, and as mother
and next friend of
[18] **A.D. 1**,
[19] **A.D.2**,
[20] **A.J.**,
[21] **D.S. 1**,
[22] **D.S.2**,
[23] **D.S.3**, and
[24] **D.S.4**,
[25] **LIDUVINA ESPINOSA**,
[26] **ANGELA ESPINOZA**, individually, and as
mother and next friend of
[27] **A.E.1**,
[28] **R.E.**,
[29] **N.C.**,
[30] **A.C.**, and
[31] **K.C.**,
[32] **MARIBEL GAMEZ**, individually, and as mother
and next friend of
[33] **A.G.1** and
[34] **A.H.G.**,
[35] **MICHELLE GARCIA**, individually, and as
mother and next friend of

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MICHAEL A. BROWN
CLERK LAKE CIRCUIT COURT

[36] **E.C.**,
[37] **G.G.**,
[38] **M.G.**,
[39] **A.G.2**, and
[40] **J.G.**,
[41] **STEPHANIE GRIFFIN**,
[42] **RONNITA HALL**,
[43] **KENDRA MABRY**, individually, and as mother
and next friend of
[44] **K.W.1**,
[45] **M.C.1**,
[46] **M.C.2**,
[47] **J.W.1**, and
[48] **J.W.2**,
[49] **AFRICA MCKINNEY**, individually, and as
mother and next friend of
[50] **J.A.**,
[51] **J.M.**, and
[52] **D.W.**,
[53] **VANESSA MCKINZEY**, individually, and as
mother and next friend of
[54] **A.W.** and
[55] **D.M.**,
[56] **WILLIE MOORE**,
[57] **MINERVA RAMIREZ**, individually, and as
mother and next friend of
[58] **D.R.1**,
[59] **C.R.**, and
[60] **M.R.**,
[61] **ANGELENE RIVERA**, individually, and as
mother and next friend of
[62] **D.R.2**,
[63] **A.R.1**, and
[64] **A.R.2**,
[65] **JOSE BLAS CRUZ ROQUE**, individually, and as
father and next friend of
[66] **L.C.C.**,
[67] **DENNIS RUFFINS**, individually, and as father
and next friend of
[68] **I.W.** and
[69] **L.W.**,
[70] **DESHUN SANDERS**,
[71] **ANGELA THORNTON**, individually, and as
mother and next friend of
[72] **J.P.**,

[73] **MAXINE TUCKER**, individually, and as mother and next friend of
[74] **A.E.2**,
[75] **O.G.1**,
[76] **O.G.2**, and
[77] **L.G.**,
[78] **VALERIE MALLETTE**,
[79] **BREANNA WASHINGTON**, individually, and as mother and next friend of
[80] **C.W.** and
[81] **K.W.2**,
[82] **LASHARDAY WHITE**, individually, and as mother and next friend of
[83] **A.M.** and
[84] **J.D.**,

Plaintiffs,

v.

[1] **CITY OF EAST CHICAGO**,
[2] **EAST CHICAGO HOUSING AUTHORITY**,
[3] **SCHOOL CITY OF EAST CHICAGO**,
[4] **EAST CHICAGO DEPARTMENT OF PUBLIC AND ENVIRONMENTAL HEALTH**,
[5] **INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**,
[6] **INDIANA STATE DEPARTMENT OF HEALTH**, and
[7] **STATE OF INDIANA**,

Defendants.

**AMENDED COMPLAINT FOR DAMAGES AND OTHER
RELIEF AND REQUEST FOR TRIAL BY JURY**

The Plaintiffs, **DESHEENA ADAMS**, and **C.B.1**, **C.B.2**, **C.H.** and **C.A.** by **DESHEENA ADAMS** as their mother and next friend, **ROBERTO CABELLO, JR.**, **MARK COLE**, **RHONDA COLLIER**, and **J.J.** by **RHONDA COLLIER** as his/her mother and next friend, **ARCELIA CRUZ**, **ANGELINA GUTEIRREZ DE CRUZ**, **LETICIA M. DE LUNA**, and **S.C.**, **LL.**, **I.O.**, and **C.D.** by **LETICIA M. DE LUNA** as their mother and next friend, **DONETTA**

DILLON, and A.D.1, A.D.2, A.J., D.S.1, D.S.2, D.S.3, and D.S.4 by **DONETTA DILLON** as their mother and next friend, **LIDUVINA ESPINOSA, ANGELA ESPINOZA, and A.E.1, R.E., N.C., A.C., and K.C.** by **ANGELA ESPINOZA** as their mother and next friend, **MARIBEL GAMEZ, and A.G.1 and A.H.G.** by **MARIBEL GAMEZ** as their mother and next friend, **MICHELLE GARCIA, and E.C., G.G., M.G., A.G.2, and J.G.** by **MICHELLE GARCIA** as their mother and next friend, **STEPHANIE GRIFFIN, RONNITA HALL, KENDRA MABRY, and K.W.1, M.C.1, M.C.2, J.W.1, and J.W.2** by **KENDRA MABRY** as their mother and next friend, **AFRICA MCKINNEY, and J.A., J.M., and D.W.** by **AFRICA MCKINNEY** as their mother and next friend, **VANESSA MCKINZEY, and A.W. and D.M.** by **VANESSA MCKINZEY** as their mother and next friend, **WILLIE MOORE, MINERVA RAMIREZ, and D.R.1, C.R., and M.R.** by **MINERVA RAMIREZ** as their mother and next friend, **ANGELENE RIVERA, and D.R. 2, A.R.1, and A.R.2** by **ANGELENE RIVERA** as their mother and next friend, **JOSE BLAS CRUZ ROQUE, and L.C.C.** by **JOSE BLAS CRUZ ROQUE** as his/her father and next friend, **DENNIS RUFFINS, and I.W. and L.W.** by **DENNIS RUFFINS** as their father and next friend, **DESHUN SANDERS, ANGELA THORNTON, and J.P.** by **ANGELA THORNTON** as his/her mother and next friend, **MAXINE TUCKER, and A.E.2, O.G.1, O.G.2, and L.G.** by **MAXINE TUCKER** as their mother and next friend, **VALERIE MALLETTE, BREANNA WASHINGTON, and C.W. and K.W.2** by **BREANNA WASHINGTON** as their mother and next friend, and **LASHARDAY WHITE, and A.M. and J.D.** by **LASHARDAY WHITE** as their mother and next friend, and complain of the Defendants, **CITY OF EAST CHICAGO** (the "City"), **EAST CHICAGO HOUSING AUTHORITY ("EHCA")**, **SCHOOL CITY OF EAST CHICAGO ("SCEC")**, **EAST CHICAGO DEPARTMENT OF PUBLIC AND ENVIRONMENTAL HEALTH ("ECDPEH")**, **INDIANA DEPARTMENT OF**

ENVIRONMENTAL MANAGEMENT (“IDEM”), INDIANA STATE DEPARTMENT OF HEALTH (“ISDH”) and STATE OF INDIANA. Pleading hypothetically and in the alternative, the Plaintiffs allege as follows:

INTRODUCTION

1. The Plaintiffs bring claims against the Defendants under Indiana law in order to recover monetary damages and other relief, in order to help redress losses they suffered as a result of the Defendants’ tortious actions and/or omissions.

2. The Defendants allowed the Plaintiffs to reside on land they knew was contaminated with dangerously high levels of toxic substances, including lead and arsenic, and: a) failed to warn the Plaintiffs of the danger; b) actively concealed the danger from the Plaintiffs; c) allowed their agents and others to conceal the danger from the Plaintiffs; and/or d) assisted others in concealing the danger from the Plaintiffs.

3. For much of the twentieth century, industries operated near the intersection of 151st Street and Kennedy Avenue in East Chicago, Indiana (the “Site Center”), and northwest of the Site Center; over the course of decades, these industries released toxic pollutants into the environment including lead and arsenic.

4. These pollutants remain in the environment at dangerously high levels – in the soil and groundwater in particular – through the present day.

5. The Plaintiffs neither knew nor had reason to know of the dangerous substances in and around their homes, yards, school and neighborhood, or the risks these substances posed to their health.

6. The Plaintiffs and, as applicable, their parents were unaware of the chemical contamination and attendant physical risks.

7. The toxic contamination, and the fact that residents and students who lived and attended school near the Site Center were being exposed to that contamination on a daily basis, was also well-known to the Defendants. Despite their knowledge, Defendants consistently failed to warn Plaintiffs and/or failed to take other steps to reduce or eliminate the Plaintiffs' exposure to these toxic conditions.

8. Plaintiffs seek damages for the physical and emotional harms caused by their exposure to lead, arsenic and other toxic contaminants, and for the financial and emotional harms caused by and for the financial and emotional harms caused by the intrusion of these contaminants onto their property, or into their homes and yards, all of which was a direct and proximate result of Defendants' failure to warn of the toxic contamination, Defendants' facilitating and allowing Plaintiffs to live and attend school on land that is essentially a toxic waste dump, and Defendants' concealment of the contamination and the risk it poses to Plaintiffs.

THE PARTIES

9. At all relevant times, each Plaintiff was a resident of Lake County, Indiana.

10. At all relevant times, with the exception of four Plaintiffs,¹ each Plaintiff was a resident of the public housing development in East Chicago, Indiana, known as the West Calumet Housing Complex.

11. Many of the Plaintiffs attended Carrie Gosch Elementary School.

12. At all relevant times, each Plaintiff was exposed to lead, arsenic, and/or other toxic substances.

¹ Plaintiffs MINERVA RAMIREZ, D.R.1, C.R. and M.R. were and are residents of a private, single family home located in what would become known as "Zone 1" of the Superfund Site. See below.

13. The City is a municipal corporation organized under the laws of the State of Indiana.

14. ECHA is a municipal corporation, pursuant to Indiana Code § 36-7-18-14, organized under the laws of the State of Indiana.

15. SCEC is a municipal corporation, pursuant to Indiana Code § 36-1-2-10, organized under the laws of the State of Indiana.

16. ECDPEH is a municipal corporation, pursuant to Indiana Code § 36-1-2-10, organized under the laws of the State of Indiana.

17. IDEM is a state agency organized under the laws of the State of Indiana.

18. ISDH is a state agency organized under the laws of the State of Indiana.

19. The STATE OF INDIANA is one of the fifty states that comprise the United States of America.

GENERAL ALLEGATIONS

20. In about 1973, the City and the ECHA opened a public housing development called the West Calumet Housing Complex (the "Complex") on the Site, northwest of the Site Center, south of Carrie Gosch School.

21. As early as 1980, the Defendants knew or should have known that a serious environmental problem, and an unreasonably dangerous condition or conditions, existed on the land surrounding the Intersection – land on which the Complex, numerous private residences, and the Carrie Gosch School² stood.

² Carrie Gosch School was established in the 1950's. A new facility of the same name was built to replace the old one in the 1990's, which was dedicated in 1999 and opened for the 2001 school year.

