

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW

Ralph Gilbert
14205 Ingham Road
New Freedom, PA 17349

And

Gloria Gilbert
14205 Ingham Road
New Freedom, PA 17349

And

Michelle Torgerson
2524 W. Sieling Road
New Freedom, PA 17349

And

Edwin Torgerson
2524 W. Sieling Road
New Freedom, PA 17349

And

Melda Bittorf
3497 Bowser Road
New Freedom, PA 17349

And

Beverly Cox
3453 Bowser Road
New Freedom, PA 17349

And

William Cox
3453 Bowser Road
New Freedom, PA 17349

And

* NOTICE TO DEFEND

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

Kimberly Miles
3798 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*
*

Cleo Fockler
3925 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*
*

John Fockler
3925 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*
*

Franklin Ingham
14114 Ingham Road
New Freedom, PA 17349

*
*
*

And

*
*
*

Linda Eckert
4109 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*
*

Scott Eckert
4109 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*
*

William Strine
2948 Bowser
New Freedom, PA 17349

*
*
*

And

*
*

Kenny Jasinski
2867 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Dennis Jasinski
2867 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Kathryn Jasinski
11311 Wild Berry Court
Glen Rock, PA 17327

*
*
*

And

*
*

Joseph Jasinski
2867 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Patricia Unverzagt
3008 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Megan Jacobs
3008 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Barbara Unverzagt
3008 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Donna Parr
621 Broadway
Red Lion, PA 17356

*
*
*

And *
*
*
Jeff Fodel *
3044 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Wendy Fodel *
3044 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Jennifer Jasinski *
2839 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
John Jasinski *
2839 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Judy Queitzsch *
3702 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Jean Fry *
15088 Boyer Road *
New Freedom, PA 17349 *
*
And *
*
*
Rick McSherry *
15088 Boyer Road *
New Freedom, PA 17349 *
*
And *
*

	*
And	*
	*
Defendant Synagro Mid-Atlantic, Inc.,	*
individually and formerly doing business as	*
Synagro Central, Inc.	*
1605 Dooley Road	*
Whiteford, Maryland 21160	*
	*
And	*
	*
George Phillips d/b/a Hilltop Farms	*
16878 Susquehanna Trail S	*
New Freedom, Pennsylvania 17349-8959	*
	*
And	*
	*
Hilltop Farms	*
16878 Susquehanna Trail S	*
New Freedom, Pennsylvania 17349-8959	*
	*
And	*
	*
Steve Troyer	*
17819 Troyer Road	*
White Hall, Maryland 21161	*
	*
	*
Defendants	*

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint of for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

YORK COUNTY BAR ASSOCIATION & BAR FOUNDATION
137 EAST MARKET STREET
YORK, PENNSYLVANIA 17401
717-854-8755

IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

YORK COUNTY BAR ASSOCIATION & BAR FOUNDATION
137 EAST MARKET STREET
YORK, PENNSYLVANIA 17401
717-854-8755

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW

Ralph Gilbert
14205 Ingham Road
New Freedom, PA 17349

And

Gloria Gilbert
14205 Ingham Road
New Freedom, PA 17349

And

Michelle Torgerson
2524 W. Sieling Road
New Freedom, PA 17349

And

Edwin Torgerson
2524 W. Sieling Road
New Freedom, PA 17349

And

Melda Bittorf
3497 Bowser Road
New Freedom, PA 17349

And

Beverly Cox
3453 Bowser Road
New Freedom, PA 17349

And

William Cox
3453 Bowser Road
New Freedom, PA 17349

And

* COMPLAINT

*

*

*

*

DOCKET No.:

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

Kimberly Miles
3798 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Cleo Fockler
3925 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

John Fockler
3925 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Franklin Ingham
14114 Ingham Road
New Freedom, PA 17349

*
*
*

And

*
*

Linda Eckert
4109 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Scott Eckert
4109 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

William Strine
2948 Bowser
New Freedom, PA 17349

*
*
*

And

*
*

Kenny Jasinski
2867 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Dennis Jasinski
2867 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Kathryn Jasinski
11311 Wild Berry Court
Glen Rock, PA 17327

*
*
*

And

*
*

Joseph Jasinski
2867 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Patricia Unverzagt
3008 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Megan Jacobs
3008 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Barbara Unverzagt
3008 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Donna Parr
621 Broadway
Red Lion, PA 17356

*
*
*

And *
*
*
Jeff Fodel *
3044 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Wendy Fodel *
3044 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Jennifer Jasinski *
2839 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
John Jasinski *
2839 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Judy Queitzsch *
3702 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Jean Fry *
15088 Boyer Road *
New Freedom, PA 17349 *
*
And *
*
*
Rick McSherry *
15088 Boyer Road *
New Freedom, PA 17349 *
*
And *
*

	*
And	*
	*
Defendant Synagro Mid-Atlantic, Inc.,	*
individually and formerly doing business as	*
Synagro Central, Inc.	*
1605 Dooley Road	*
Whiteford, Maryland 21160	*
	*
And	*
	*
George Phillips d/b/a Hilltop Farms	*
16878 Susquehanna Trail S	*
New Freedom, Pennsylvania 17349-8959	*
	*
And	*
	*
Hilltop Farms	*
16878 Susquehanna Trail S	*
New Freedom, Pennsylvania 17349-8959	*
	*
And	*
	*
Steve Troyer	*
17819 Troyer Road	*
White Hall, Maryland 21161	*
	*
	*
Defendants	*

COMPLAINT

1. Plaintiffs, Ralph Gilbert, Gloria Gilbert, Michele Torgerson, Edwin Torgerson, Melda Bittorf, Beverly Cox, William Cox, Kimberly Miles, Cleo Fockler, John Fockler, Franklin Ingham, Linda Eckert, Scott Eckert, William Strine, Jr., Kenny Jasinski, Dennis Jasinski, Kathryn Jasinski, Joseph Jasinski, Patricia Unverzagt, Megan Jacobs, Barbara Unverzagt, Donna Parr, Jeff Fodel, Wendy Fodel, Jennifer Jasinski, John Jasinski, Judy Queitzsch, Jean Fry, Rick McSherry, John Freese, Donna Lynn Freese, Jeff VanVoorhis, Susan Lee Fox, Terrence Fancher, and Donna Fancher,

(“Plaintiffs”), by and through their counsel, the Law Offices of Peter G. Angelos, P.C. and Nidel Law, P.L.L.C., file this complaint against Synagro Central, LLC f/k/a Synagro Central, Inc., and Synagro Mid-Atlantic, Inc., George Phillips, Hilltop Farms, and Steve Troyer (“Defendants”), jointly and severally and, in support thereof, aver the following:

2. Plaintiff Ralph Gilbert is an adult currently residing at 14205 Ingham Road, New Freedom, Pennsylvania 17349. Plaintiff was born on January 11, 1936.
3. Plaintiff Gloria Gilbert is an adult currently residing at 14205 Ingham Road, New Freedom, Pennsylvania 17349. Plaintiff was born on April 2, 1938.
4. Plaintiff Michele Torgerson is an adult currently residing at 2524 W. Sieling Road, New Freedom, Pennsylvania 17349. Plaintiff was born on January 19, 1963.
5. Plaintiff Edwin Torgerson is an adult currently residing at 2524 W. Sieling Road, New Freedom, Pennsylvania 17349. Plaintiff was born on February 12, 1962.
6. Plaintiff Melda Bittorf is an adult currently residing at 3497 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on January 17, 1933.
7. Plaintiff Beverly Cox is an adult currently residing at 3453 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on February 26, 1965.
8. Plaintiff William Cox is an adult currently residing at 3453 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on December 12, 1961.
9. Plaintiff Kimberly Miles is an adult currently residing at 3798 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on December 28, 1969.
10. Plaintiff Cleo Fockler is an adult currently residing at 3925 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on May 28, 1937.

11. Plaintiff John Fockler is an adult currently residing at 3925 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on September 16, 1938.
12. Plaintiff Franklin Ingham is an adult currently residing at 14114 Ingham Road, New Freedom, Pennsylvania 17349. Plaintiff was born on July 11, 1939.
13. Plaintiff Linda Eckert is an adult currently residing at 4109 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on November 27, 1957.
14. Plaintiff Scott Eckert is an adult currently residing at 4109 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on November 14, 1952.
15. Plaintiff William Strine, Jr. is an adult currently residing at 2948 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on September 2, 1939.
16. Plaintiff Kenny Jasinski is an adult currently residing at 2867 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on September 11, 1988.
17. Plaintiff Dennis Jasinski is an adult currently residing at 2867 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on November 16, 1957.
18. Plaintiff Kathryn Jasinski is an adult currently residing at 11311 Wild Berry Court, Glen Rock, PA 17349. Plaintiff was born on December 3, 1957.
19. Plaintiff Joseph Jasinski is an adult currently residing at 2867 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on January 21, 1983.
20. Plaintiff Patricia Unverzagt is an adult currently residing at 3008 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on April 15, 1935.
21. Plaintiff Megan Jacobs currently resides at 3008 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on January 14, 1999.

22. Plaintiff Barbara Unverzagt is an adult currently residing at 3008 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on October 13, 1963.
23. Plaintiff Donna Parr is an adult currently residing at 621 Broadway, Red Lion, PA 17349. Plaintiff was born on January 18, 1955.
24. Plaintiff Jeff Fodel is an adult currently residing at 3044 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on January 28, 1963.
25. Plaintiff Wendy Fodel is an adult currently residing at 3044 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on February 2, 1967.
26. Plaintiff Jennifer Jasinski is an adult currently residing at 2839 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on February 6, 1947.
27. Plaintiff John Jasinski is an adult currently residing at 2839 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on June 1, 1943.
28. Plaintiff Judy Queitzsch is an adult currently residing at 3702 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on June 20, 1935.
29. Plaintiff Jean Fry is an adult currently residing at 15088 Boyer Road, New Freedom, Pennsylvania 17349. Plaintiff was born on April 12, 1954.
30. Plaintiff Rick McSherry is an adult currently residing at 15088 Boyer Road, New Freedom, Pennsylvania 17349. Plaintiff was born on March 7, 1954.
31. Plaintiff John Freese is an adult currently residing at 4258 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on March 29, 1946.
32. Plaintiff Donna Lynn Freese is an adult currently residing at 4258 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on October 3, 1954.

33. Plaintiff Jeff VanVoorhis is an adult currently residing at 3624 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on January 10, 1967
34. Plaintiff Susan Lee Fox is an adult currently residing at 3624 Bowser Road, New Freedom, Pennsylvania 17349. Plaintiff was born on April 12, 1952.
35. Plaintiff Terrence Fancher is an adult currently residing at 14264 Ingham Road, New Freedom, Pennsylvania 17349. Plaintiff was born on January 5, 1964.
36. Plaintiff Donna Fancher is an adult currently residing at 14264 Ingham Road, New Freedom, Pennsylvania 17349. Plaintiff was born on July 3, 1964.
37. Defendant Synagro Central, LLC, (“Synagro”), registered with the Secretary of Pennsylvania Department of State on August 22, 2007, individually and formerly doing business as Synagro Central, Inc. and Synagro Mid-Atlantic, Inc., is a Delaware corporation with its principal place of business at 7014 East Baltimore St., Baltimore, Maryland, 21224-0000, doing business in the Commonwealth of Pennsylvania. Synagro Central, LLC may be served with process through its registered agent, CT Corporation System, 2704 Commerce Dr., Harrisburg, Pennsylvania 17110 and/or 1515 Market St., Suite 1210, Philadelphia, Pennsylvania 19102. Defendant Synagro Central, LLC supplies sewage sludge for land application in York County, Pennsylvania on the Phillips’ Farm.
38. Defendant Synagro Mid-Atlantic, Inc., (“Synagro”), registered with the Secretary of Pennsylvania Department of State on October 13, 1999, individually and formerly doing business as Synagro Central, Inc. is a Delaware corporation with a business address of 1605 Dooley Road, Whiteford, Maryland 21160, doing business in the Commonwealth of Pennsylvania. Synagro Mid-Atlantic, Inc. may be served with

- process through its registered agent, CT Corporation System, 2704 Commerce Dr., Harrisburg, Pennsylvania 17110 and/or 1515 Market St., Suite 1210, Philadelphia, Pennsylvania 19102. Defendant Synagro Mid-Atlantic, Inc. supplies sewage sludge for land application in York County, Pennsylvania on the Phillips' Farm.
39. Defendant George Phillips d/b/a Hilltop Farms is a York County, Pennsylvania resident and may be served with process at 16878 Susquehanna Trail S, New Freedom, York County, Pennsylvania 17349-8959.
 40. Defendant Hilltop Farms is a business owned and operated by Defendant George Phillips with a business address 16878 Susquehanna Trail S, New Freedom, York County Pennsylvania 17349-8959.
 41. Defendant Steve Troyer is a Maryland resident and may be served via certified mail at 17819 Troyer Road, White Hall, Maryland 21161. Defendant Steve Troyer is a leasee and/or operator of farm property owned by George Phillips. The farm properties leased and operated by Steve Troyer are located in New Freedom, York County, Pennsylvania.

NATURE OF THE CASE

42. This case involves a fundamental right in the Commonwealth of Pennsylvania– the right to the use and enjoyment of one's property and home.
43. Sludge is the solid by-product of sewage treatment and contains the contents of sewage that are not water-soluble.
44. Defendants have spread, and continue to spread sewage sludge on land in York County, Pennsylvania, including on land adjacent to the Plaintiffs' property.

45. Defendants' application of the hazardous and noxious material has and is taking place on hundreds of acres in York County.
46. Defendants engage in business in York County Pennsylvania as real property owners, farm operators or lessors, sludge haulers, sludge spreaders, sludge applicers, or a combination of these activities.
47. At all times relevant to this litigation, Defendants engaged in one or more phases of these sludge related activities, from the generation of sludge and other wastes mixed and spread along with sludge, the ownership of the property where the sludge is spread, the control or operation of the property where the sludge was spread, the hauling of waste from the generator to the land where it is to be applied, and the marketing and sale of sludge and related waste services in Pennsylvania.
48. When reference is made to any act or omission of the Defendants, it shall be deemed to mean that the officers, directors, agents, employees, or representatives of the Defendants committed or authorized such act or omission, or failed to adequately supervise or properly control or direct their employees while engaged in the management, direction, operation or control of the affairs of Defendants, and did so while acting within the scope of their employment or agency.

JURISDICTION AND VENUE

49. This Court has jurisdiction over Defendants because they are either Pennsylvania Residents, Pennsylvania corporations authorized to do business in Pennsylvania, are registered with the Pennsylvania Secretary of State, do sufficient business with sufficient minimum contacts in Pennsylvania, or otherwise intentionally avail themselves of the Pennsylvania market through the sale, manufacturing, distribution,

spreading, spraying, and/or processing of sludge and related products in Pennsylvania to render the exercise of jurisdiction over Defendants by Pennsylvania courts consistent with traditional notions of fair play and substantial justice.

50. Venue is proper in this Court because the cause of action – the injury, offense, and disturbance created by Defendants’ acts – arose in York County; and/or at least one defendant regularly conducts affairs or business activity in York County, or in the case of withdrawal from this Commonwealth by such Defendant did conduct such business at the time of such withdrawal; and/or Plaintiffs reside in York County and all Defendants are nonresidents.

SLUDGE SPREADING IN YORK COUNTY - FACTS

51. According to Harper Collins Dictionary of Environmental Science, sludge is defined as, "[a] viscous, semi-solid mixture of bacteria, virus-laden organic matter, toxic metals, synthetic organic chemicals, and settled solids removed from domestic and industrial waste water at sewage treatment plants."¹ Sludge is not comprised solely of natural, untainted human waste, rather sludge contains numerous hazardous components that are not naturally occurring.
52. Sewage treatment facilities generating sludge receive waste not only from homes, but also street runoff, industry, and other sources including hospitals and medical facilities. This is due in part to the fact that every business in America is allowed to dispose of up to 33 pounds of hazardous wastes in sewers every month without reporting or further regulation.

¹ THE HARPER COLLINS DICTIONARY OF ENVIRONMENTAL SCIENCE, Gareth Jones, et. al., HarperCollins Publishers, Ltd., New York, (1992).

53. For several reasons, including but not limited to the fact that sewage sludge contains prescription drug products and their biologically active metabolites, synthetic chemicals, and other industrial chemicals, waste, and toxic runoff, sludge is different from hog waste or any other animal manure product used for fertilizing purposes. Manure contains few toxic ingredients and does not contain the vast array of human pathogens found in sludge.
54. In order to temporarily reduce the bacterial load in the sludge, it is often treated with lime, and raised to a severely caustic pH level, above a pH of 12. Material at this high of a pH is irritating to the skin, nose, throat, and lungs, and can cause rashes and burns.
55. In addition to bacteria (including e-coli), gram-negative bacteria, protozoa, viruses, pathogens (including staphylococcus aureus), caustic, and endotoxins (including Chlamydia pneumoniae), sludge contains thousands of chemicals ranging from hormone disrupting polybrominated diphenyl ethers (PBDEs), which are used as flame-retardants, to carcinogenic pesticides and heavy metals such as arsenic, lead and cadmium.
56. Sludge also contains neurotoxic pollutants such as mercury and lead.
57. Because many synthetic chemicals, including pharmaceutical compounds such as the synthetic estrogens used in birth control pass through the body into wastewater and are not destroyed or removed in the sewage treatment process, they accumulate in the sludge and present a hazard. Other pharmaceutical compounds are expected to be found concentrated in sewage sludge, including hormone and mood altering drugs.

58. Current treatment methods do not result in the long-term stabilization of the biological material contained in sludge and biological contaminants such as bacteria and fungi can regenerate during transportation and storage.
59. Samples of sludge from sewage treatment plants have been found to exceed EPA Soil Screening Levels (SSLs), under the federal environmental laws these exceedences would require a risk assessment to determine the associated hazards and possible cleanup.
60. To date, there has not been a scientifically adequate risk assessment of exposure to sludge and all of the pollutants contained therein.
61. Defendants have failed to exercise reasonable care by adequately, fully, and completely characterizing, testing, assessing, measuring, or otherwise estimating the potential impact to human health for the sludge disposed of in York County.
62. Spreading these chemicals, alone and/or in combination with the other components of sludge, endangers life or health, offends the senses, violates the laws of decency and obstructs the reasonable and comfortable use of property.
63. In addition to the chemical and biological hazards associated with sludge, sludge has an extremely offensive and harmful odor due to the presence of toxic and/or irritating gases including dimethyl sulfide, dimethyl disulfide, methyl mercaptan, trimethylamine, and ammonia. This odor is even more offensive than other agricultural manures.
64. The spreading of sludge gives offense to the senses, violates the laws of decency and obstructs the reasonable and comfortable use of property.

65. The spreading threatens the public health, safety and welfare of the surrounding public, including Plaintiffs.
66. Along with the offensive odor, the smell, often accompanied by a strong ammonia or chemical smell, can burn and irritate the lungs, eyes, throat, nose, and skin. This smell, which emanates from sludge application sites, gives offense to the senses, endangers life and health, violates the laws of decency and obstructs the reasonable and comfortable use of property.
67. Before spreading the sludge, Defendants test it for a very limited number of pollutants. In fact, testing is limited to determining the levels of some of the more innocuous elements likely to be found in the sludge.
68. Defendants test the sludge for only 8 metals present in sludge: arsenic, cadmium, copper, lead, mercury, nickel, selenium, and zinc.
69. Often, there is no test data for the specific batch of sludge spread or sprayed on a particular plot of land.
70. Defendants do not test for pesticides, even persistent, hazardous organic pesticides that are commonly identified in sewage sludge.
71. Defendants do not test for pharmaceutical products.
72. Defendants test for the weaker indicative pathogens, but do not test for the full range of more persistent virulent pathogens that are commonly identified in sewage sludge.
73. Defendants have actual or constructive knowledge of the various impacts on the surrounding public, including the impacts on Plaintiffs caused by the spreading of sludge in York County through direct letters, telephone calls, political debate, and newspaper and media coverage in the surrounding area.

74. Defendants nevertheless intentionally, willfully, maliciously, recklessly, and/or negligently continue to transport, haul, spray, spread, otherwise use, or provide access, assistance or land for the transportation, hauling, spraying, spreading, or other uses or disposal methods of sludge.

HISTORY OF PLAINTIFFS' PROBLEMS WITH SLUDGE

75. In mid July of 2007, Defendants began stockpiling and spreading sewage sludge on the roughly 220 acres of land owned by Defendant George Phillips in the town of New Freedom, York County, Pennsylvania.
76. The sludge disposal began with Defendants', or their agents', trucks hauling loads of sludge and storing it for application on or around the Phillip's Farm. Defendants, or their agents, worked on the land slinging the sewage sludge out onto the soil surface. At times, this was done in heavy rains and/or high winds, leading to increased water runoff and air transport from the application fields.
77. The land where the sludge is and has been dumped, stored, sprayed, and spread is, or was at times relevant to this litigation, owned and/or controlled by one or more of Defendants.
78. The waste was slung onto the fields and was not injected or incorporated into the soil.
79. The waste that was applied was not applied in accordance with the best management practices, including the default application method of subsurface injection or incorporation within 24 hours of land application.
80. The land application was not done in accordance with the relevant State regulations, including those incorporated in the permit, requiring buffers to be maintained and access to the land be restricted following land application.

81. The application led to runoff of sewage sludge from the permitted property.
82. In addition, sewage sludge was applied beyond the permitted boundaries and onto neighboring properties.
83. Defendants did not restrict public access to the fields for the minimum required time of 30 days following application.
84. Almost immediately, Plaintiffs noticed the offensive odors, typically smelling like a herd of dead, rotting deer, and suffered from running nose, burning eyes, burning throat, respiratory distress, irritated skin, and rashes. These problems got progressively worse.
85. The extremely offensive odors continued since mid July of 2007, becoming stronger and more offensive with certain wind and weather conditions, with the strongest and most offensive odors lasting four to ten weeks after the application. These odors persisted and continued to offend the senses and obstruct the reasonable and comfortable use of the Plaintiffs' property.
86. Plaintiffs have also been disrupted by the increased presence of flies at various times throughout the Defendants' sludge operations.
87. Due to the presence of bacteria and other biological materials in sludge, the spread of airborne particulate matter presents an even greater hazard, posing the risk of infection and illnesses such as pneumonia.

Plaintiff Ralph Gilbert

88. Plaintiff Ralph Gilbert noticed the foul and offensive odors coming from the land application on the Phillip's Farm on or about July 14th of 2007.

89. Plaintiff began to experience a burning, sore throat shortly after he experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead deer.
90. Plaintiff and his wife were forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.
91. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture. The odors also settled into his breathing machine and sicken Plaintiff the next time he used his breathing machine.
92. After the land application of sewage sludge on the Phillips' Farm, Plaintiff's legs broke out in rashes.
93. The land application of sewage sludge on the Phillips' Farm impacted Plaintiff's water supply well and the nitrate levels increased.
94. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Gloria Gilbert

95. Plaintiff Gloria Gilbert noticed the foul and offensive odors coming from the land application on the Phillip's Farm on or about July 14th of 2007.
96. Plaintiff began to experience a burning, sore throat coupled with a chronic cough shortly after she experienced the foul and offensive odors. These odors and the

associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead deer.

97. Plaintiff and her husband were forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.
98. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture. The odors also settled into her breathing machine and sicken Plaintiff the next time she used her breathing machine.
99. The land application of sewage sludge on the Phillips' Farm impacted Plaintiff's water supply well and the nitrate levels increased.
100. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Michele Torgerson

101. Plaintiff Michele Torgerson noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
102. Plaintiff began to experience a burning, sore throat coupled with running nose, eyes, and increased diarrhea shortly after she experienced the foul and offensive odors.
103. Plaintiff also suffered from increased flies in and around her property and home starting in or around mid July of 2007.
104. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead deer.

105. Plaintiff and her husband were forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.
106. Plaintiff and her family were also unable to enjoy the use of the in-ground pool in their yard due to the sickening odors from the land applied sewage sludge.
107. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
108. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
109. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Edwin Torgerson

110. Plaintiff Edwin Torgerson noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
111. Plaintiff began to experience a burning, sore throat coupled with running nose, eyes, and increased diarrhea shortly after he experienced the foul and offensive odors.
112. Plaintiff also suffered from increased flies in and around his home starting in or around mid July of 2007.
113. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead deer.

114. Plaintiff and his wife were forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.
115. Plaintiff and his family were also unable to enjoy the use of the in-ground pool in their yard due to the sickening odors from the land applied sewage sludge.
116. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
117. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
118. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Melda Bittorf

119. Plaintiff Melda Bittorf noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
120. Plaintiff began to experience a burning, sore throat coupled with running nose, burning eyes, and headaches shortly after she experienced the foul and offensive odors.
121. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over and could not hang her wash loads out on the line to dry.

122. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
123. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in her home.
124. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
125. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Beverly Cox

126. Plaintiff Beverly Cox noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
127. Plaintiff and her family began experiencing flu-like and other respiratory symptoms in the months that followed the offensive odors from the land application of sewage sludge.
128. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. The strength of the odors forced a contractor to refuse to return to work on Plaintiff's home until the odors decreased.
129. Plaintiff also suffered from increased flies in and around her home and swarming around the family fruit trees, starting in or around mid July of 2007.

130. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
131. Plaintiff and her family were forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home and do not have central air conditioning.
132. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
133. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff William Cox

134. Plaintiff William Cox noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
135. Plaintiff and his family began experiencing flu-like and other respiratory symptoms in the months that followed the offensive odors from the land application of sewage sludge.
136. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. The strength of the odors forced a contractor to refuse to return to work on Plaintiff's home until the odors decreased.
137. Plaintiff also suffered from increased flies in and around his home and swarming around the family fruit trees, starting in or around mid July of 2007.

138. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
139. Plaintiff and his family were forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.
140. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
141. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Kimberly Miles

142. Plaintiff Kimberly Miles noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
143. Plaintiff began experiencing congestion, running nose, sinus and respiratory problems, and fatigue in the weeks and months that followed the offensive odors from the land application of sewage sludge.
144. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, walk the dogs, or sit and relax outside.
145. Plaintiff also suffered from increased flies in and around her property and home starting in or around mid July of 2007.

146. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
147. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in her home.
148. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
149. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and severe mental anguish.
150. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began on or about July 14th of 2007.

Plaintiff Cleo Fockler

151. Plaintiff Cleo Fockler noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
152. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. At times, visitors even left Plaintiff's home due to the intensity of the odors and offense.
153. Plaintiff also suffered from increased flies in and around her property and home starting in or around mid July of 2007.

154. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals diminishing Plaintiff and her family's quality of life.
155. Plaintiff and her family were forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.
156. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
157. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff John Fockler

158. Plaintiff John Fockler noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
159. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. At times, visitors even left Plaintiff's home due to the intensity of the odors and offense.
160. Plaintiff also suffered from increased flies in and around his home starting in or around mid July of 2007.
161. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals diminishing Plaintiff and his family's quality of life.

162. Plaintiff and his family were forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.
163. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
164. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Franklin Ingham

165. Plaintiff Franklin Ingham noticed the extremely foul and offensive odors coming the land application on the Phillip's Farm on or about July 14th of 2007.
166. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. At times, visitors even left Plaintiff's home due to the intensity of the odors and offense.
167. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals diminishing Plaintiff and his family's quality of life.
168. Plaintiff and his family were forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.
169. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.

170. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Linda Eckert

171. Plaintiff Linda Eckert noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.

172. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. At times, visitors indicated that they wanted to leave Plaintiff's home due to the intensity of the odors and offense.

173. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than rotting dead fish, diminishing Plaintiff and her family's quality of life.

174. Plaintiff and her family were forced indoors, with the windows closed many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.

175. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.

176. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Scott Eckert

177. Plaintiff Scott Eckert noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
178. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. At times, visitors indicated that they wanted to leave Plaintiff's home due to the intensity of the odors and offense.
179. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals, diminishing Plaintiff and his family's quality of life.
180. Plaintiff and his family were forced indoors, with the windows closed many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.
181. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
182. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff William Strine, Jr.

183. Plaintiff William Strine, Jr. noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
184. The odors were so strong and Plaintiff experienced irritated eyes, running nose, increased cough, and sore throats throughout the period during the summer and fall of 2007 after the land application of sewage sludge that began in mid July of 2007.

185. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside.
186. Plaintiff's well water is now contaminated with fecal coliform as well as increased levels of nitrates.
187. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals diminishing Plaintiff and his family's quality of life.
188. The odors forced Plaintiff indoors, with the windows closed, many days throughout the summer and fall of 2007 and could not enjoy the fresh air, the outdoors, or find comfort in their home.
189. After the land application, Plaintiff was diagnosed with a methicillin-resistant *Staphylococcus aureus* (MRSA) infection in his lymph node.
190. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
191. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Kenny Jasinski

192. Plaintiff Kenny Jasinski noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
193. Plaintiff began to experience a burning, sore throat coupled with irritated eyes and headaches shortly after he experienced the foul and offensive odors. These odors and

- the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
194. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and he could not enjoy the fresh air, the outdoors, or find comfort in his home.
195. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
196. After the land application of sewage sludge on the Phillip's Farm, Plaintiff's upper body (arms, neck and chest) broke out in rashes.
197. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
198. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Dennis Jasinski

199. Plaintiff Dennis Jasinski noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
200. Plaintiff began to experience a burning, sore throat coupled with irritated eyes and nausea shortly after he experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.

201. Plaintiff also suffered from increased flies in and around his home starting in or around July of 2007.
202. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and he could not enjoy the fresh air, the outdoors, or find comfort in his home.
203. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
204. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
205. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Kathryn Jasinski

206. Plaintiff Kathryn Jasinski noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
207. Plaintiff began to experience a burning, sore throat coupled with irritated eyes, dry cough and nausea shortly after she experienced the foul and offensive odors.
208. Plaintiff also suffered from increased flies in and around her home and property starting in or around mid July of 2007.
209. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.

210. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in her home and property.
211. Plaintiff was also unable to perform gardening in her yard due to the sickening odors from the land applied sewage sludge.
212. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
213. After the land application of sewage sludge on the Phillip's Farm, Plaintiff's body broke out in rashes, hives and skin lesions.
214. In addition, after the land application of sewage sludge on the Phillip's Farm, Plaintiff was diagnosed with methicillin-resistant Staphylococcus aureus (MRSA).
215. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
216. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Joseph Jasinski

217. Plaintiff Joseph Jasinski noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
218. Plaintiff began to experience irritated eyes coupled with congestion and nausea shortly after he experienced the foul and offensive odors. These odors and the

associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.

219. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and he could not enjoy the fresh air, the outdoors, or find comfort in his home.
220. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
221. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
222. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Patricia Unverzagt

223. Plaintiff Patricia Unverzagt noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
224. Plaintiff began to experience a burning, sore throat coupled with irritated eyes, dry cough, nausea, teeth pain, sinus infections, ear aches, gland pain, fatigue, difficulty in walking and severe headaches shortly after she experienced the foul and offensive odors.
225. Plaintiff also suffered from increased flies in and around her property and home starting in or around mid July of 2007.

226. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
227. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in her home.
228. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
229. After the land application of sewage sludge on the Phillip's Farm, Plaintiff was diagnosed with methicillin-resistant Staphylococcus aureus (MRSA), arthritis, cellulitis, stomach ulcers, acute heartburn and a severe foot infection.
230. The land application of sewage sludge on the Phillip's Farm, impacted the Plaintiff's water supply well and the nitrate levels increased.
231. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff, her children and her grandchild increased anxiety and concern.
232. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Megan Jacobs

233. Plaintiff Megan Jacobs noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.

234. Plaintiff began to experience a burning, sore throat coupled with irritated eyes, severe headaches, migranes and chronic nose bleeds shortly after she experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
235. Plaintiff also suffered from increased flies in and around her grandmother's home starting in or around mid July of 2007.
236. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in her grandmother's home.
237. In addition, the putrid odors from the land application permeated Plaintiff's grandmother's home, settling in to the clothes and furniture.
238. After the land application of sewage sludge on the Phillip's Farm, Plaintiff's body broke out in skin rashes.
239. The land application of sewage sludge on the Phillip's Farm, impacted the Plaintiff's water supply well and the nitrate levels increased.
240. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her grandmother's property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Barbara Unverzagt

241. Plaintiff Barbara Unverzagt noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.

242. Plaintiff began to experience a burning, sore throat coupled with irritated eyes and headaches shortly after she experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
243. Plaintiff also suffered from increased flies in and around her mother's home starting in or around mid July of 2007.
244. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in her mother's home.
245. In addition, the putrid odors from the land application permeated Plaintiff's mother's home, settling in to the clothes and furniture.
246. After the land application of sewage sludge on the Phillip's Farm, Plaintiff's began to suffer from increased asthma attacks and allergy symptoms.
247. In addition, after the land application of sewage sludge on the Phillip's Farm, Plaintiff was diagnosed with methicillin-resistant Staphylococcus aureus (MRSA).
248. The land application of sewage sludge on the Phillip's Farm, impacted the Plaintiff's water supply well and the nitrate levels increased.
249. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her mother's property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Donna Parr

250. Plaintiff Donna Parr noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.

251. Plaintiff began to experience a burning, sore throat coupled with irritated eyes and headaches shortly after she experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
252. Plaintiff also suffered from increased flies in and around her mother's home starting in or around mid July of 2007.
253. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in her mother's home.
254. In addition, the putrid odors from the land application permeated Plaintiff's mother's home, settling in to the clothes and furniture.
255. After the land application of sewage sludge on the Phillip's Farm, Plaintiff began to experience respiratory distress.
256. In addition, after the land application of sewage sludge on the Phillip's Farm, Plaintiff was diagnosed with methicillin-resistant *Staphylococcus aureus* (MRSA), pneumonia and a nodule on her lower left lung.
257. The land application of sewage sludge on the Phillip's Farm, impacted the Plaintiff's water supply well and the nitrate levels increased.
258. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her mother's property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Jeff Fodel

259. Plaintiff Jeff Fodel noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
260. Plaintiff began to experience a burning, sore throat coupled with irritated eyes, nausea, coughing, burning nose, and gastrointestinal discomfort shortly after he experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
261. Plaintiff also suffered from increased flies in and around his home starting in or around mid July of 2007.
262. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and he could not enjoy the fresh air, the outdoors, or find comfort in his home with his wife and two children.
263. Plaintiff was also unable to cut grass in his yard due to the sickening odors from the land applied sewage sludge.
264. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
265. In addition, after the land application of sewage sludge on the Phillip's Farm, Plaintiff developed severe gastrointestinal pains.
266. In addition, after the land application of sewage sludge on the Phillip's Farm, Plaintiff developed a nodule on his lung.
267. The land application of sewage sludge on the Phillip's Farm, impacted the Plaintiff's water supply well and the nitrate levels increased.

268. The land application of sewage sludge on the Phillip's Farm, the Plaintiff's property was overwhelmed with run off waters filled with sewage sludge directly flowing from Phillip's Farm.
269. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff, his wife and his children increased anxiety and concern.
270. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Wendy Fodel

271. Plaintiff Wendy Fodel noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
272. Plaintiff began to experience a burning, sore throat coupled with irritated eyes and nausea shortly after she experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
273. Plaintiff also suffered from increased flies in and around her property and home starting in or around mid July of 2007.
274. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in her home.
275. Plaintiff was also unable to go outdoors to play with her two children and friends refused to come over to her house during the offensive odors.

276. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
277. The land application of sewage sludge on the Phillip's Farm, impacted the Plaintiff's water supply well and the nitrate levels increased.
278. The land application of sewage sludge on the Phillip's Farm, the Plaintiff's property was overwhelmed with run off waters filled with sewage sludge directly flowing from Phillip's Farm.
279. In addition, after the land application of sewage sludge on the Phillip's Farm, Plaintiff developed pneumonia.
280. As a result, because of her conditions, Plaintiff was compelled to miss work.
281. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff, her husband and her children increased anxiety and concern.
282. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Jennifer Jasinski

283. Plaintiff Jennifer Jasinski noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
284. Plaintiff began to experience a burning, sore throat coupled with irritated eyes shortly after she experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.

285. Plaintiff also suffered from increased flies in and around her property and home starting in or around mid July of 2007.
286. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in his home.
287. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. The strength of the odors forced friends to refuse to come to Plaintiff's home until the odors decreased.
288. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
289. After the land application of sewage sludge on the Phillip's Farm, Plaintiff was prescribed eye drops from her severely irritated eyes.
290. After the land application of sewage sludge on the Phillip's Farm, Plaintiff developed bumps, sores, and nodules inside her entire mouth.
291. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff and her husband increased anxiety and concern.
292. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff John Jasinski

293. Plaintiff John Jasinski noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.

294. Plaintiff began to experience irritated and watery eyes shortly after he experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
295. Plaintiff also suffered from increased flies in and around his home starting in or around mid July of 2007.
296. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and he could not enjoy the fresh air, the outdoors, or find comfort in his home.
297. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
298. After the land application of sewage sludge on the Phillip's Farm, Plaintiff developed a dry cough.
299. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff and his wife increased anxiety and concern.
300. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Judy Queitzsch

301. Plaintiff Judy Queitzsch noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.

302. Plaintiff began to experience irritation of the eyes coupled with a running nose shortly after she experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
303. Plaintiff also suffered from increased flies in and around her property and home starting in or around mid July of 2007.
304. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in her home.
305. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. The strength of the odors forced her to cancel a party because her guests refused to come to her home until the odors decreased.
306. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
307. After the land application of sewage sludge on the Phillip's Farm, Plaintiff was prescribed Nasonex in order to assist with her irritation of the eyes and running nose.
308. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff, her husband and her children increased anxiety and concern.
309. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Jean Fry

310. Plaintiff Jean Fry noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
311. Plaintiff began to experience nausea shortly after she experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
312. Plaintiff also suffered from increased flies in and around her property and home starting in or around mid July of 2007.
313. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in her home.
314. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. The strength of the odors forced friends to refuse to come to her home until the odors decreased.
315. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
316. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
317. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Rick McSherry

318. Plaintiff Rick McSherry noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
319. Plaintiff began to experience severe nasal congestion shortly after he experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
320. Plaintiff also suffered from increased flies in and around his home starting in or around mid July of 2007.
321. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and he could not enjoy the fresh air, the outdoors, or find comfort in his home.
322. The smells were so bad during the summer and fall of 2007 that Plaintiff could not have guests over, open the windows, or go outside. Plaintiff's mother felt sick to her stomach from the offensive odor.
323. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
324. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
325. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff John Freese

326. Plaintiff John Freese noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
327. Plaintiff began to experience a burning, sore throat coupled with irritated eyes shortly after he experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
328. Plaintiff also suffered from increased flies in and around his home starting in or around mid July of 2007.
329. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and he could not enjoy the fresh air, the outdoors, or find comfort in his home.
330. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
331. After the land application of sewage sludge on the Phillip's Farm, Plaintiff's entire body broke out in severe and extremely painful rashes. Plaintiff was unable to sleep and perform daily living activities.
332. Plaintiff's property was trespassed and spread with sewage sludge during the land application of sewage sludge on the Phillip's Farm.
333. The land application of sewage sludge on the Phillip's Farm, the Plaintiff's property was overwhelmed with run off waters filled with sewage sludge directly flowing from Phillip's Farm.
334. The land application of sewage sludge on the Phillip's Farm, impacted the Plaintiff's water supply well and the bacteria levels increased.

335. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
336. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Donna Lynn Freese

337. Plaintiff Donna Lynn Freese noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
338. Plaintiff began to experience difficulty breathing and shortly after she experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
339. Plaintiff also suffered from increased flies in and around her property and home starting in or around mid July of 2007.
340. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in his home.
341. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
342. After the land application of sewage sludge on the Phillip's Farm, Plaintiff was diagnosed with pneumonia and asthma.

343. The land application of sewage sludge on the Phillip's Farm, the Plaintiff's property was overwhelmed with run off waters filled with sewage sludge directly flowing from Phillip's Farm.
344. The land application of sewage sludge on the Phillip's Farm, impacted the Plaintiff's water supply well and the bacteria levels increased.
345. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
346. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Jeff VanVoorhis

347. Plaintiff Jeff VanVoorhis noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
348. Plaintiff began to experience nausea and headaches coupled with difficulty breathing, burning sore throat, and itchy watery eyes shortly after he experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
349. Plaintiff also suffered from increased flies in and around his home and property starting in or around mid July of 2007.

350. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and he could not enjoy the fresh air, the outdoors, or find comfort in his home.
351. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
352. After the land application of sewage sludge on the Phillip's Farm, Plaintiff suffered a bacterial foot infection. As a result of this foot infection, Plaintiff was taken to hospital via ambulance, hospitalized and spent over 10 days in bed at home.
353. The smells were so bad during the summer and fall of 2007 that Plaintiff was unable to perform job duties involved with taking care of horses on his property on a daily basis. The strength of the odors forced Plaintiff to work every other day. Each day which Plaintiff worked he suffered from coughing and difficulty breathing.
354. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
355. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Susan Lee Fox

356. Plaintiff Susan Lee Fox noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.
357. Plaintiff began to experience a burning, sore throat, irritated eyes and dry cough coupled with flu-like and other respiratory symptoms shortly after she experienced

- the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
358. Plaintiff also suffered from increased flies in and around her property and home starting in or around mid July of 2007.
359. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and she could not enjoy the fresh air, the outdoors, or find comfort in her home.
360. The smells were so bad during the summer and fall of 2007 that Plaintiff was forced to wear a mask in order to perform her job duties involved with training horses on her property on a daily basis. The strength of the odors forced Plaintiff to limit the amount of time spent working outside.
361. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
362. After the land application of sewage sludge on the Phillip's Farm, Plaintiff's developed lung problems and her body broke out in rashes.
363. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff increased anxiety, concern, and mental anguish.
364. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Terrence Fancher

365. Plaintiff Terrence Fancher noticed the extremely foul and offensive odors coming upon his property from the land application on the Phillip's Farm on or about July 14th of 2007.
366. Plaintiff began to experience sinus infections and chronic cough shortly after he experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
367. Plaintiff also suffered from increased flies in and around his home starting in or around mid July of 2007.
368. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and he could not enjoy the fresh air, play outdoors with his children, or find comfort in his home.
369. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
370. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff, his wife and his children increased anxiety and concern.
371. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of his property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Plaintiff Donna Fancher

372. Plaintiff Donna Fancher noticed the extremely foul and offensive odors coming upon her property from the land application on the Phillip's Farm on or about July 14th of 2007.

373. Plaintiff began to experience burning sore throats, and dryness around her eyes shortly after she experienced the foul and offensive odors. These odors and the associated offense and discomfort lasted for several months throughout the summer and fall of 2007 and smelled worse than a herd of dead animals.
374. Plaintiff also suffered from increased flies in and around her home starting in or around mid July of 2007.
375. Plaintiff was forced indoors, with the windows closed, many days throughout the summer and fall of 2007 and he could not enjoy the fresh air, play outdoors with her children, or find comfort in her home.
376. In addition, the putrid odors from the land application permeated Plaintiff's home, settling in to the clothes and furniture.
377. The land application of sewage sludge and the associated concerns and discomforts have caused Plaintiff, her husband and her children increased anxiety and concern.
378. Plaintiff has suffered, and continues to suffer from, the diminished use and enjoyment of her property due to the offensive odors from the land application of sewage sludge that began in mid July of 2007.

Defendants have known or should have known the adverse impact that their intentional, willful, reckless and otherwise negligent activities were having, and continue to have on Plaintiffs.

379. Beginning as early as early fall of 2007 when members of the surrounding public, including Plaintiffs, sent letters and placed telephone calls to State regulators Defendants including Mr. Phillips and Synagro or its employees or agents Defendants were aware, or should have been aware, of the aggravation, concern, disruption, irritation, discomfort, and additional maladies caused by their conduct.

380. This knowledge, either actual or constructive, was repeatedly reinforced over time following the initial sludge disposal by letters to State and local officials and to the Defendants themselves, in-person communications with State and local officials and with Defendants and Defendants' agents, and by the numerous newspaper articles and opinion pieces regarding sludge and the public concerns associated with its disposal in York County. Much of this communication contained, in whole or in part, concerns related to Plaintiffs specifically.
381. At all times relevant to this litigation, Defendants, despite any actual or constructive knowledge of the general public concern and the concerns raised by the specific Plaintiffs joined in this case, continued to this day to intentionally, willfully, recklessly, and negligently transport, stockpile, spread, or otherwise assist in the transportation, stockpiling, or spreading of sludge.
382. At all times relevant to this litigation, Defendants, despite the actual or constructive knowledge of the impact of their activities on the general public and the impact that their activities was having on Plaintiffs, continued to intentionally, willfully, recklessly, and negligently transport, stockpile, spread, or otherwise assist in the transportation, stockpiling, or spreading of sludge, further impacting Plaintiffs.
383. Defendants are also jointly and severally liable because they conspired to conceal the true nature of sludge, to profit from the disposal of sludge at Plaintiffs' expense, to disrupt the comfortable use and enjoyment of Plaintiffs' property, to offend the senses of those exposed to their activities, to violate the laws of decency, to contaminate Plaintiffs' property including its clean air, and to avoid liability for such contamination.

FIRSTCAUSE OF ACTION

Private Nuisance

384. Plaintiffs re-allege and reaffirm each and every allegation set forth in Paragraphs 1 through 383 as if fully restated herein.
385. Starting with the offensive land application that started in or around mid July of 2007, Plaintiffs' private residential property, including but not limited to the once-clean air, has been and continues to be unreasonably contaminated by sludge and the biological and chemical pollutants contained in sludge, whether they be in gaseous, solid, or particulate state, as a direct and proximate result of the intentional, unreasonable, negligent and reckless conduct of Defendants, all as alleged herein.
386. Gases, vapors, particulates, flies, and odors caused by Defendants' conduct have damaged and continue to damage Plaintiffs' property.
387. Gases, vapors, particulates, flies, and odors caused by Defendants' conduct have offended and continue to offend the senses of those living, working, and recreating in private residential property adjacent to or near the land application fields, such as Plaintiffs.
388. Starting with the offensive land application that started in or around mid July of 2007, gases, vapors, particulates, flies, and odors caused by Defendants' conduct have created and continue to create a health hazard to those living, working, and recreating in private residential property adjacent to or near the hauling, storage, spraying, and spreading of sludge, such as Plaintiffs.
389. Starting with the offensive land application that started in or around mid July of 2007, gases, vapors, particulates, flies, and odors caused by Defendants' conduct violate

and continue to violate the laws of decency with respect to those living, working, and recreating in private residential property adjacent to or near the hauling, storage, spraying, and spreading of sludge, such as Plaintiffs.

390. Starting with the offensive land application that started in or around mid July of 2007, gases, vapors, particulates, flies, and odors caused by Defendants' conduct obstructed and continue to obstruct the reasonable and comfortable use of one's property for those living, working, and recreating in private residential property adjacent to or near the hauling, storage, spraying, and spreading of sludge, such as Plaintiffs.
391. As a direct and proximate result of Defendants' acts and omissions creating the above-described nuisance, Plaintiffs have suffered injuries including greatly diminished use and enjoyment of their property, physical and emotional injuries, the aggravation of existing medical conditions, diminished use and enjoyment of their property, reduced income from the loss of business, increased health care and associated costs due to the creation of or aggravation of health conditions, and irritation of the eyes, nose, throat, and skin.
392. As a direct and proximate result of Defendants' acts and omissions creating the above-described nuisance, Defendants have damaged the welfare of Plaintiffs and the surrounding public.
393. WHEREFORE, Plaintiffs demand judgment against the Defendants to include an injunction that modifies Defendants' conduct so that the nuisance conditions do not continue, as well as an award of compensatory damages in excess of fifty-thousand dollars (\$50,000.00) and punitive damages in excess of seventy-five thousand dollars

(\$75,000.00) against Defendants, jointly and severally plus costs, interest, and attorneys fees.

SECOND CAUSE OF ACTION

Negligence

394. Plaintiffs re-allege and reaffirm each and every allegation set forth in Paragraphs 1 through 393 as if fully restated herein.
395. Defendants during the relevant time period transported, hauled, spread, marketed, otherwise used, or provided assistance, access, permission, or land for the transportation, hauling, spraying, spreading, or other uses or disposal methods of sludge.
396. As transporters, haulers, spreaders, marketers, users, or those otherwise providing assistance, access, permission, or land for the transportation, hauling, spraying, spreading, or other uses or disposal methods of sludge, Defendants owed and continue to owe a duty to Plaintiffs as well as all persons whom Defendants' sludge products might foreseeably harm, and to exercise due care in handling, control, transport, disposal, spread, spraying, storage, and hauling of sludge and other human, animal, or industrial wastes.
397. Defendants had and continue to have a duty and the financial and technical means to dispose of sludges and other industrial or animal wastes in a way that does not pose offense, harm, or hazard to Plaintiffs.
398. Defendants had and continue to have a duty and the financial and technical means to dispose of sludges that do not create the offensive and obnoxious odors caused by the material that was land applied in mid July of 2007.

399. Defendants had and continue to have a duty and the financial and technical means to dispose of sludges in a manner that does not create the offensive and obnoxious odors caused by the application of material that was land applied in mid July of 2007.
400. At all times relevant to this litigation, Defendants knew or should have known that:
- a. Exposures to odors, dusts, and other pollutants contained in sludge are commonplace and likely to occur;
 - b. Exposures to odors, dusts, and other pollutants contained in sludge are more likely to occur when sewage sludges are surface applied;
 - c. Exposures to odors, dusts, and other pollutants contained in sludge are more likely to occur when sewage sludges are applied during heavy rains or strong winds;
 - d. Exposures to odors, dusts, and other pollutants contained in sludge actually did occur in the areas surrounding the Phillips' Farm;
 - e. When sludge is surface applied, chemical and biological pollutants in sludge will form particles and aerosols and can travel great distances in the air;
 - f. When sludge is stored, spread, or surface applied in the environment, several of the chemical and biological pollutants found in sludge, including PCBs, dioxins, pesticides and heavy metals are released into the environment, where they will persist years following the disposal;
 - g. Sludge and the chemical and biological pollutants found in sludge may expose people to unknown health risks;
 - h. Sludge and the chemical and biological pollutants found in sludge may, and in fact did, irritate the skin, eyes, nose, throat, and lungs of those exposed;
 - i. Sludge and the chemical and biological pollutants found in sludge may create offensive odors, offending the senses of those living near where it is hauled, stored, or sprayed into the trees;
 - j. Sludge and the chemical and biological pollutants found in sludge may disrupt the comfortable use and enjoyment of one's property living near where sludge is sprayed, spread, or otherwise disposed of;

- k. Because of the offensive odors and the other hazards created by the hauling, storing, and spraying in the trees of sludge, sludge should not be surface applied near private residential property and should be disposed of in a different manner;

401. Defendants have negligently breached their duties of due care to Plaintiffs by:

- a. transporting, hauling, and land applying sludge adjacent to or near private residential property, including that of Plaintiffs, creating offensive odors, dusts, and loud and disturbing noises that disrupt the sleep, peace and wellbeing of the surrounding residents;
- b. storing and stockpiling large amounts of sludge on land adjacent to private residential property including that of Plaintiffs;
- c. surface applying several thousand pounds of sludge on hundreds of acres adjacent to or near private residential property including that of Plaintiffs;
- d. failing to test the sludge they hauled, stored, or sprayed for additional pollutants that could make the waste more hazardous to human health or the environment;
- e. failing to use safer and less offensive means of disposing of sludge wastes such as landfilling or subsurface injection;
- f. failing to respond to complaints regarding the physical injuries, the aggravation of physical injuries, mental anguish, emotional trauma, and loss of the comfortable use and enjoyment of personal property of public citizens due to the physical discomfort and offensive odors, including Plaintiffs;
- g. continuing to haul, store, and spread sludge on property adjacent to or near private residential properties, including that of Plaintiffs, despite complaints that Defendants were, or should have been aware of.

402. As a direct and proximate result of one or more of the foregoing negligent acts or omissions on the part of Defendants, sludge and/or the pollutants contained in sludge, whether in gaseous, solid, particulate, or other form, have:

- a. prevented and continues to prevent Plaintiffs' comfortable use and enjoyment of their private, residential property, severely restricting its use and enjoyment;

- b. posed and continue to pose a threat to the comfortable use and enjoyment of Plaintiffs' private residential property;
- c. negatively impacted and otherwise injured the mental and physical health and general well-being of Plaintiffs;
- d. posed and continues to pose a threat to the mental health and general well-being of Plaintiffs;
- e. aggravated existing medical conditions experienced by Plaintiffs, causing increased pain and suffering and requiring additional medical care, attention, and treatment;

403. WHEREFORE, Plaintiffs demand judgment against the Defendants to include an injunction that modifies Defendants' negligent conduct so that the injurious conditions do not continue, as well as an award of compensatory damages in excess of fifty-thousand dollars (\$50,000.00) and punitive damages in excess of seventy-five thousand dollars (\$75,000.00) against Defendants, jointly and severally plus costs, interest, and attorneys fees.

THIRD CAUSE OF ACTION

Trespass

404. Plaintiffs re-allege and reaffirm each and every allegation set forth preceding Paragraphs 1 through 403 as if fully restated herein.
405. Plaintiffs are the owners, lessees, and/or actual possessors of property adjacent to or near the fields in York County where Defendants, their agents, and/or employees have stored, sprayed, and/or spread sludge and other industrial or animal wastes, and knew or in the exercise of reasonable care should have known, that sludge and other industrial or animal wastes or the pollutants contained therein, whether in solid, liquid, or gaseous phase, are hazardous to human health, offensive to the senses,

diminish the comfort, use and enjoyment of one's property, diminish the value of nearby property, and diminish other property rights.

406. Defendants intentionally stored, spread, and sprayed sewage sludge and other industrial and animal wastes, releasing it into the environment and directly and proximately caused and continue to cause sewage sludge or the pollutants that comprise sludge, whether in solid, particulate, or gaseous state, to enter into and contaminate Plaintiffs' property.
407. As a direct and proximate result of the trespass, Plaintiffs have been damaged and are entitled to injunctive relief to abate the trespass and other damages alleged herein, including but not limited to, pain and suffering due to personal injuries, loss of use and enjoyment of property, cost of bringing the property to its original condition, investigation, remediation, and treatment, and/or to such other appropriate relief Plaintiffs may elect at trial.
408. WHEREFORE, Plaintiffs demand judgment against the Defendants to include an injunction that modifies Defendants' conduct so that the injurious conditions do not continue, as well as an award of compensatory damages in excess of fifty-thousand dollars (\$50,000.00) and punitive damages in excess of seventy-five thousand dollars (\$75,000.00) against Defendants, jointly and severally plus costs, interest, and attorneys fees.

JURY TRIAL DEMANDED

Plaintiffs elect to have their case tried before a jury.

LAW OFFICES OF PETER G. ANGELOS, P.C.

By: _____

John E. Kotsatos
PA I.D. # 92807
George A. Webber, III
PA I.D. # 75162
Law Offices of Peter G. Angelos
60 West Broad Street, Suite 200
Bethlehem, PA 18018
Phone: 610-866-3333
Fax: 610-866-3329
Attorneys for Plaintiffs

Christopher Nidel
Nidel Law, P.L.L.C.
(subject to admission *pro hac vice*)
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW

Ralph Gilbert
14205 Ingham Road
New Freedom, PA 17349

And

Gloria Gilbert
14205 Ingham Road
New Freedom, PA 17349

And

Michelle Torgerson
2524 W. Sieling Road
New Freedom, PA 17349

And

Edwin Torgerson
2524 W. Sieling Road
New Freedom, PA 17349

And

Melda Bittorf
3497 Bowser Road
New Freedom, PA 17349

And

Beverly Cox
3453 Bowser Road
New Freedom, PA 17349

And

William Cox
3453 Bowser Road
New Freedom, PA 17349

And

* CERTIFICATE OF SERVICE

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

*

Kimberly Miles
3798 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Cleo Fockler
3925 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

John Fockler
3925 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Franklin Ingham
14114 Ingham Road
New Freedom, PA 17349

*
*
*

And

*
*

Linda Eckert
4109 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Scott Eckert
4109 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

William Strine
2948 Bowser
New Freedom, PA 17349

*
*
*

And

*
*

Kenny Jasinski
2867 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Dennis Jasinski
2867 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Kathryn Jasinski
11311 Wild Berry Court
Glen Rock, PA 17327

*
*
*

And

*
*

Joseph Jasinski
2867 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Patricia Unverzagt
3008 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Megan Jacobs
3008 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Barbara Unverzagt
3008 Bowser Road
New Freedom, PA 17349

*
*
*

And

*
*

Donna Parr
621 Broadway
Red Lion, PA 17356

*
*
*

And *
*
*
Jeff Fodel *
3044 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Wendy Fodel *
3044 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Jennifer Jasinski *
2839 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
John Jasinski *
2839 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Judy Queitzsch *
3702 Bowser Road *
New Freedom, PA 17349 *
*
And *
*
*
Jean Fry *
15088 Boyer Road *
New Freedom, PA 17349 *
*
And *
*
*
Rick McSherry *
15088 Boyer Road *
New Freedom, PA 17349 *
*
And *
*
*
John Freese *

And	*
	*
Defendant Synagro Mid-Atlantic, Inc.,	*
individually and formerly doing business as	*
Synagro Central, Inc.	*
1605 Dooley Road	*
Whiteford, Maryland 21160	*
	*
And	*
	*
George Phillips d/b/a Hilltop Farms	*
16878 Susquehanna Trail S	*
New Freedom, Pennsylvania 17349-8959	*
	*
And	*
	*
Hilltop Farms	*
16878 Susquehanna Trail S	*
New Freedom, Pennsylvania 17349-8959	*
	*
And	*
	*
Steve Troyer	*
17819 Troyer Road	*
White Hall, Maryland 21161	*
	*
	*
Defendants	*

CERTIFICATE OF SERVICE

I hereby certify that I have, this date, served the Complaint and Notice to Defend, via Certified & First Class Mail, postage prepaid, upon Defendants, Synagro Mid-Atlantic, Inc. and Steven Troyer, accordingly.

LAW OFFICES OF PETER G. ANGELOS, P.C.

By: _____

John E. Kotsatos
PA I.D. # 92807
George A. Webber, III
PA I.D. # 75162
Law Offices of Peter G. Angelos
60 West Broad Street, Suite 200
Bethlehem, PA 18018
Phone: 610-866-3333
Fax: 610-866-3329
Attorneys for Plaintiffs

Christopher Nidel
Nidel Law, P.L.L.C.
(subject to admission *pro hac vice*)
Attorney for Plaintiffs