

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

Abraham, Phillip; Acosta, Edelmiro; Everington, Jasiem, son of Acosta, Sonja; Alfred, Jude J.; Ramir, Denirka, daughter of Alicea, Emma; Arjune, Ian; Arjune, Camille J.; Auguste, Mary; Ayala, Awilda I.; Ayala, Carmela; Ayala, Ruben; Beltes, Milagro; Beltres, Luis; Beras, Lunila; Beras, Catherine; Bright, Erick A.; Bright, Renee Ferdinand; Bonit, Timothy; Brookes, Edred; Caines, Imogen; Carrasquillo, Jose Miguel Jr.; Cartier, Shermaine; Chambers, Christiana; Charles, Cheren; Clarke, Elroy; Claxton, Nevelynne; Clercin, Skitter V.; Cobb, Veronica; Colon, Carlos Juan; Colon, Cheryl M.; Colon, Ivette; Colon, Mary; Corcino, Iris; Cruz, Angel; Cruz, Angel; Cruz, Blanca L.; Cruz, Brunilda; Cruz, Cristina; Cruz, Elia; Cruz, Ida; Cruz, Luis; Cruz, Luz; Cruz, Marcelo Jr.; Cruz, Maria; Cruz, Orlando; Cruz, Pedro; Cruz, Alexandra; Daniel, Rose; Daniel, Stanley; Daniels, Indria; David, Francis; Davis, Arthur; Davis, Gladys; Dawson, DuJean; De Jesus, Elie; DeJesus, Boulogne; Dennie, Mary; Dennie, Nkosi; Diaz, Fioldalizo; Doctrine, Lucie; Duberry, Tekia; Duncan, Coltia; Eaves, Denise; Williams, Nathfa, daughter of Eaves, Denise; Williams, Jahed, son of Eaves, Denise; Ebanks, Pollita; Edward, Lester R.; Estephane, Virginia; Etienne, Marie; Frontal, Ashley; Gaston, Esther; George, Alcenta; George, Amos; George, Charles; Gonzalez, Lydia; Green, Vernon; Guadalupe, Abraham; Guilamo, Betzaida; Guilamo, Doris M.; Guzman, Karen L.; Henry, Lucille; Mondesir, Ezaus Hasani, son of Henry, Micheline; Huertas, O'Keisha; Inslen, Prisca Paul; Irwin, Vera; Isaac, Verrall; Jairam, Barbara; Jean-Pierre, Analise; John, Alfred, Jr.; John, Estrellita Marie P.; John, Yahmillia Krystal; Johnny, Hildera; Knight, Barbara; Lawrence-Williams, Cherlene; Linares, Jose; Logo, Jerge L.; Mark, Cynthia; Maldonado, Ana; Martinez, Concepcion; Martinez, Humberto; Martinez, Josefina; Lao, Nakisha, daughter of Martinez, Ruth; Lao, Miguel, son of Martinez, Ruth; Matmers-Howell, Orlette Jennifer; Matthew, Authely; Matthew, Martin; Maynard, Eustace; McLene, Shennel A.; Meade, Morel; Melendez, Anna; Mercado, Ashley Lyshanis; Mercado, Julio Antonio Sr.; Moe, Melwyn; Navarro, Gilbert; Navarro, Gilberto Jr.; Navarro, Gilmarie; Navarro, Maria; Navarro, Olga; Nolasco, Angel; Nyack, Marilyn; O'Reilly, Wilburn; Paige, Ara M.; Parrilla,

CIVIL NO: 103/2011

**ACTION  
FOR  
DAMAGES**

**JURY TRIAL MAR 30 P 4:17  
DEMANDED**

SUPREME COURT  
VIRGIN ISLANDS

**COMPLAINT**

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Christian; Robledo, Angelis, Robledo, Gisella, Robledo, Angelica, daughters of Parrilla, Maribel; Parrilla, Marilyn; Parrilla, Raquel; Mercado, Ashley Lyshaniz; Parrilla, Tara; Pena, Marco Garcia; Peterson, De'onte; Profil, Migdalia; Quildan, Jesse Jerimiah; Ramirez, Andres Mercado; Redhead, Olga; Reyes, Gabriel Sr.; Reyes, Gabriel Jr., son of Reyes, Gabriel, Sr.; Rios, Cecilia; Rivera, Ana Celia; Rivera, Beatrice; Rivera, Ebony; Rivera, Isidora; Rivera, Malie Lou; Rivera, Migdaliz; Robles, Antonio Ramirez; Rodriguez, Aaron; Rodriguez, Agustin; Rodriguez, Iraida; Rodriguez, Manuel Santos; Francis, Donald Diaz Jr.; Rodriguez, Sara I.; Abraham, Kiara I., daughter of Rosa, Sonia E.; Rougier, Juliette H.; Rougier, Lawrence; Saldana, Norma I.; Sanes, Millian; Santiago, Artemia; Santiago, Daniel; Sherwood, Diane; Sherwood, Joy; Shirley, Helen; Simmonds, Velda; Simon, Nadette; Smith, Sandra; Smmie, Albertha; Soanes, Wycliff; Soto, Luis Enrique; St. Brice, Cliff; St. Brice, Amaya, daughter of St. Brice, Diana; Stephen, Theresa; Stotts, Indigo; Swanston, Jeremy; Swanston, Arlene; Swanston, Debra; Swanston, Jamie; Sweeney, Nelson; Tavernier, Nicholls; Taylor, Livingstone Seymour Sr.; Techeira, Neldine; Thompson, Macherry; James, Shaquan, son of Thompson, Macherry; Tirado, Nanna I.; Torres, Evelyn; Torres, Hermino Sr.; Torres, Jose Manuel; Jean Baptise, Marlisha, daughter of Trowers, Trisha; Tutein, Njeri; Vasquez, Jose E. Jr.; Velez, Norma; Velez, Yesenia M.; Ventura, Carlos F. Jr.; Ventura, Carmen Lydia; Walker, Joseph; Warrell, Jennifer; Williams, Alfreda; Williams, Clayton A. Jr.; and Williams, Dinorah;

Plaintiffs,

v.

ST. CROIX ALUMINA LLC, GLENCORE  
INTERNATIONAL AG, ALCOA, GLENCORE, LTD. f/k/a  
CLARENDON, LTD., and CENTURY ALUMINUM  
COMPANY

Defendant.

**COMPLAINT**

**COME NOW**, the Plaintiffs by and through their undersigned counsel, and file their Complaint and respectfully represent to the Court as follows:

1. This Court has jurisdiction pursuant to 4 V.I.C Section 76, *et seq.*
2. Plaintiff and Defendants are from diverse jurisdictions upon information the likely amount of damages are reasonably likely to be less than \$75,000.00 per Plaintiff.
3. Abraham, Phillip is a citizen of St. Croix, United States Virgin Islands.
4. Acosta, Edelmiro is a citizen of St. Croix, United States Virgin Islands.
5. Everington, Jasiem, son of Acosta, Sonja minor child and are citizens of St. Croix, United States Virgin Islands.
6. Alfred, Jude J. is a citizen of Nebraska.
7. Ramir, Denirka, daughter of Alicea, Emma minor child and are citizens of St. Croix, United States Virgin Islands.
8. Arjune, Ian is a citizen of St. Croix, United States Virgin Islands.
9. Arjune, Camille J. is a citizen of Tampa, Florida.
10. Auguste, Mary is a citizen of St. Croix, United States Virgin Islands.
11. Ayala, Awilda I. is a citizen of St. Croix, United States Virgin Islands.
12. Ayala, Carmela is a citizen of St. Croix, United States Virgin Islands.
13. Ayala, Ruben is a citizen of St. Croix, United States Virgin Islands.
14. Beltes, Milagro is a citizen of St. Croix, United States Virgin Islands.
15. Beltres, Luis is a citizen of St. Croix, United States Virgin Islands.

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16. Beras, Lunila is a citizen of St. Croix, United States Virgin Islands.
17. Beras, Catherine is a citizen of St. Croix, United States Virgin Islands.
18. Bright, Erick A. is a citizen of St. Croix, United States Virgin Islands.
19. Bright, Renee Ferdinand is a citizen of St. Croix, United States Virgin Islands.
20. Bonit, Timothy is a citizen of St. Croix, United States Virgin Islands.
21. Brookes, Edred is a citizen of St. Croix, United States Virgin Islands.
22. Caines, Imogen is a citizen of St. Croix, United States Virgin Islands.
23. Carrasquillo, Jose Miguel Jr. is a citizen of St. Croix, United States Virgin Islands.
24. Cartier, Shermaine is a citizen of St. Croix, United States Virgin Islands.
25. Chambers, Christiana is a citizen of St. Croix, United States Virgin Islands.
26. Charles, Cheren is a citizen of St. Croix, United States Virgin Islands.
27. Clarke, Elroy is a citizen of St. Croix, United States Virgin Islands.
28. Claxton, Nevelynne is a citizen of St. Croix, United States Virgin Islands.
29. Clercin, Skitter V. is a citizen of St. Croix, United States Virgin Islands.
30. Cobb, Veronica is a citizen of St. Croix, United States Virgin Islands.
31. Colon, Carlos Juan is a citizen of St. Croix, United States Virgin Islands.
32. Colon, Cheryl M. is a citizen of St. Croix, United States Virgin Islands.
33. Colon, Ivette is a citizen of St. Croix, United States Virgin Islands.
34. Colon, Mary is a citizen of St. Croix, United States Virgin Islands.
35. Corcino, Iris is a citizen of St. Croix, United States Virgin Islands.
36. Cruz, Angel is a citizen of St. Croix, United States Virgin Islands.

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37. Cruz, Angel is a citizen of St. Croix, United States Virgin Islands.
38. Cruz, Blanca L. is a citizen of St. Croix, United States Virgin Islands.
39. Cruz, Brunilda is a citizen of St. Croix, United States Virgin Islands.
40. Cruz, Cristina is a citizen of St. Croix, United States Virgin Islands.
41. Cruz, Elia is a citizen of St. Croix, United States Virgin Islands.
42. Cruz, Ida is a citizen of St. Croix, United States Virgin Islands.
43. Cruz, Luis is a citizen of St. Croix, United States Virgin Islands.
44. Cruz, Luz is a citizen of St. Croix, United States Virgin Islands.
45. Cruz, Marcelo Jr. is a citizen of St. Croix, United States Virgin Islands.
46. Cruz, Maria is a citizen of St. Croix, United States Virgin Islands.
47. Cruz, Orlando is a citizen of St. Croix, United States Virgin Islands.
48. Cruz, Pedro is a citizen of St. Croix, United States Virgin Islands.
49. Cruz, Alexandra is a citizen of St. Croix, United States Virgin Islands.
50. Daniel, Rose is a citizen of St. Croix, United States Virgin Islands.
51. Daniel, Stanley is a citizen of St. Croix, United States Virgin Islands.
52. Daniels, Indria is a citizen of St. Croix, United States Virgin Islands.
53. David, Francis is a citizen of St. Croix, United States Virgin Islands.
54. Davis, Arthur is a citizen of St. Croix, United States Virgin Islands.
55. Davis, Gladys is a citizen of St. Croix, United States Virgin Islands.
56. Dawson, DuJean is a citizen of St. Croix, United States Virgin Islands.
57. De Jesus, Elie is a citizen of Orlando, Florida.

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58. DeJesus, Boulogne is a citizen of St. Croix, United States Virgin Islands.
59. Dennie, Mary is a citizen of St. Croix, United States Virgin Islands.
60. Dennie, Nkosi is a citizen of Green Bay, Wisconsin.
61. Diaz, Fioldalizo is a citizen of St. Croix, United States Virgin Islands.
62. Doctrine, Lucie is a citizen of St. Croix, United States Virgin Islands.
63. Duberry, Tekia is a citizen of St. Croix, United States Virgin Islands.
64. Duncan, Coltia is a citizen of St. Croix, United States Virgin Islands.
65. Eaves, Denise is a citizen of Irvington, New Jersey.
66. Williams, Nathfa, daughter of Eaves, Denise minor child and are citizens of Irvington, New Jersey.
67. Williams, Jahed, son of Eaves, Denise minor child and are citizens of Irvington, New Jersey.
68. Ebanks, Polita is a citizen of St. Croix, United States Virgin Islands.
69. Edward, Lester R; is a citizen of St. Croix, United States Virgin Islands.
70. Estephane, Virginia is a citizen of St. Croix, United States Virgin Islands.
71. Etienne, Marie is a citizen of St. Croix, United States Virgin Islands.
72. Frontal, Ashley is a citizen of St. Croix, United States Virgin Islands.
73. Gaston, Esther is a citizen of St. Croix, United States Virgin Islands.
74. George, Alcanta is a citizen of St. Croix, United States Virgin Islands.
75. George, Amos is a citizen of St. Croix, United States Virgin Islands.
76. George, Charles is a citizen of St. Croix, United States Virgin Islands.

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77. Gonzalez, Lydia is a citizen of St. Croix, United States Virgin Islands.
78. Green, Vernon is a citizen of St. Croix, United States Virgin Islands.
79. Guadalupe, Abraham is a citizen of St. Croix, United States Virgin Islands.
80. Guilamo, Betzaida is a citizen of St. Croix, United States Virgin Islands.
81. Guilamo, Doris M. is a citizen of St. Croix, United States Virgin Islands.
82. Guzman, Karen L. is a citizen of St. Croix, United States Virgin Islands.
83. Henry, Lucille is a citizen of St. Croix, United States Virgin Islands.
84. Mondesir, Ezaus Hasani, son of Henry, Micheline minor child and are citizens of Ft. Lauderdale, Florida.
85. Huertas, O'Keisha is a citizen of St. Croix, United States Virgin Islands.
86. Inslen, Prisca Paul is a citizen of St. Croix, United States Virgin Islands.
87. Irwin, Vera is a citizen of St. Croix, United States Virgin Islands.
88. Isaac, Verrall is a citizen of St. Croix, United States Virgin Islands.
89. Jairam, Barbara is a citizen of St. Croix, United States Virgin Islands.
90. Jean-Pierre, Analise is a citizen of St. Croix, United States Virgin Islands.
91. John, Alfred, Jr. is a citizen of St. Croix, United States Virgin Islands.
92. John, Estrellita Marie P. is a citizen of St. Croix, United States Virgin Islands.
93. John, Yahmillia Krystal is a citizen of St. Croix, United States Virgin Islands.
94. Johny, Hildera is a citizen of St. Croix, United States Virgin Islands.
95. Knight, Barbara is a citizen of St. Croix, United States Virgin Islands.

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96. Lawrence-Williams, Cherlene is a citizen of St. Croix, United States Virgin Islands.
97. Linares, Jose is a citizen of St. Croix, United States Virgin Islands.
98. Logo, Jerge L. is a citizen of St. Croix, United States Virgin Islands.
99. Mark, Cynthia is a citizen of St. Croix, United States Virgin Islands.
100. Maldonado, Ana is a citizen of St. Croix, United States Virgin Islands.
101. Martinez Concepcion is a citizen of St. Croix, United States Virgin Islands.
102. Martinez Humberto is a citizen of St. Croix, United States Virgin Islands.
103. Martinez Josefina is a citizen of St. Croix, United States Virgin Islands.
104. Lao, Nakisha, daughter and next of Friend of Martinez, Ruth minor child and are citizens of St. Croix, United States Virgin Islands.
105. Lao, Miguel, son and next of Friend of Martinez, Ruth minor child and are citizens of St. Croix, United States Virgin Islands.
106. Matmers-Howell, Orlette Jennifer is a citizen of St. Croix, United States Virgin Islands.
107. Matthew, Authely is a citizen of St. Croix, United States Virgin Islands.
108. Matthew, Martin is a citizen of St. Croix, United States Virgin Islands.
109. Maynard, Eustace is a citizen of St. Croix, United States Virgin Islands.
110. McLene, Shennel A. is a citizen of St. Croix, United States Virgin Islands.
111. Meade, Morel is a citizen of St. Croix, United States Virgin Islands.
112. Melendez, Anna is a citizen of St. Croix, United States Virgin Islands.



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113. Mercado, Ashley Lyshanis is a citizen of St. Croix, United States Virgin Islands.
114. Mercado, Julio Antonio Sr. is a citizen of St. Croix, United States Virgin Islands.
115. Moe, Melwyn is a citizen of St. Croix, United States Virgin Islands.
116. Navarro, Gilbert is a citizen of St. Croix, United States Virgin Islands.
117. Navarro, Gilberto Jr. is a citizen of St. Croix, United States Virgin Islands.
118. Navarro, Gilmarie is a citizen of St. Croix, United States Virgin Islands.
119. Navarro, Maria is a citizen of St. Croix, United States Virgin Islands.
120. Navarro, Olga is a citizen of St. Croix, United States Virgin Islands.
121. Nolasco, Angel is a citizen of St. Croix, United States Virgin Islands.
122. Nyack, Marilyn is a citizen of St. Croix, United States Virgin Islands.
123. O'Reilly, Wilburn is a citizen of St. Croix, United States Virgin Islands.
124. Paige, Ara M. is a citizen of St. Croix, United States Virgin Islands.
125. Parrilla, Christian is a citizen of St. Croix, United States Virgin Islands.
126. Robledo, Angelis is a citizen of St. Croix, United States Virgin Islands.
127. Robledo, Gisella, Robledo, Angelica, daughters and next of Friend of Parrilla, Maribel minor children and are citizens of St. Croix, United States Virgin Islands.
128. Parrilla, Marilyn is a citizen of St. Croix, United States Virgin Islands.
129. Parrilla, Raquel is a citizen of St. Croix, United States Virgin Islands.
130. Mercado, Ashley Lyshaniz is a citizen of St. Croix, United States Virgin Islands.
131. Parrilla, Tara is a citizen of Orlando, Florida.
132. Pena, Marco Garcia is a citizen of St. Croix, United States Virgin Islands.

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133. Peterson, De'onte is a citizen of St. Croix, United States Virgin Islands.
134. Profil, Migdalia is a citizen of St. Croix, United States Virgin Islands.
135. Quildan, Jesse Jerimiah is a citizen of St. Croix, United States Virgin Islands.
136. Ramirez, Andres Mercado is a citizen of St. Croix, United States Virgin Islands.
137. Redhead, Olga is a citizen of St. Croix, United States Virgin Islands.
138. Reyes, Gabriel Sr. is a citizen of St. Croix, United States Virgin Islands.
139. Reyes, Gabriel Jr., son and next of Friend of Reyes, Gabriel, Sr. minor child and are citizens of St. Croix, United States Virgin Islands.
140. Rios, Cecilia is a citizen of St. Croix, United States Virgin Islands.
141. Rivera, Ana Celia is a citizen of St. Croix, United States Virgin Islands.
142. Rivera, Beatrice is a citizen of St. Croix, United States Virgin Islands.
143. Rivera, Ebony is a citizen of St. Croix, United States Virgin Islands.
144. Rivera, Isidora is a citizen of St. Croix, United States Virgin Islands.
145. Rivera, Malie Lou is a citizen of St. Croix, United States Virgin Islands.
146. Rivera, Migdaliz is a citizen of St. Croix, United States Virgin Islands.
147. Robles, Antonio Ramirez is a citizen of St. Croix, United States Virgin Islands.
148. Rodriguez, Aaron is a citizen of St. Croix, United States Virgin Islands.
149. Rodriguez, Agustin is a citizen of St. Croix, United States Virgin Islands.
150. Rodriguez, Iraida is a citizen of St. Croix, United States Virgin Islands.
151. Rodriguez, Manuel Santos is a citizen of St. Croix, United States Virgin Islands.
152. Francis, Donald Diaz Jr. is a citizen of St. Croix, United States Virgin Islands.

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153. Rodriguez, Sara I. is a citizen of St. Croix, United States Virgin Islands.
154. Abraham, Kiara I., daughter and next of Friend of Rosa, Sonia E. minor child and are citizens of St. Croix, United States Virgin Islands.
155. Rougier, Juliette H. is a citizen of St. Croix, United States Virgin Islands.
156. Rougier, Lawrence is a citizen of St. Croix, United States Virgin Islands.
157. Saldana, Norma I. is a citizen of St. Croix, United States Virgin Islands.
158. Sanes, Millian is a citizen of St. Croix, United States Virgin Islands.
159. Santiago, Artemia is a citizen of St. Croix, United States Virgin Islands.
160. Santiago, Daniel is a citizen of St. Croix, United States Virgin Islands.
161. Sherwood, Diane is a citizen of St. Croix, United States Virgin Islands.
162. Sherwood, Joy is a citizen of St. Croix, United States Virgin Islands.
163. Shirley, Helen is a citizen of St. Croix, United States Virgin Islands.
164. Simmonds, Velda is a citizen of St. Croix, United States Virgin Islands.
165. Simon, Nadette is a citizen of St. Croix, United States Virgin Islands.
166. Smith, Sandra is a citizen of St. Croix, United States Virgin Islands.
167. Smmie, Albertha is a citizen of St. Croix, United States Virgin Islands.
168. Soanes, Wycliff is a citizen of St. Croix, United States Virgin Islands.
169. Soto, Luis Enrique is a citizen of St. Croix, United States Virgin Islands.
170. St. Brice, Cliff is a citizen of Gilbert, Arizona.
171. St. Brice, Amaya, daughter and next of Friend of St. Brice, Diana minor child and are citizens of Boston, Massachusetts.

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172. Stephen, Theresa is a citizen of St. Croix, United States Virgin Islands.
173. Stotts, Indigo is a citizen of St. Croix, United States Virgin Islands.
174. Swanston, Jeremy is a citizen of St. Croix, United States Virgin Islands.
175. Swanston, Arlene is a citizen of St. Croix, United States Virgin Islands.
176. Swanston, Debra is a citizen of St. Croix, United States Virgin Islands.
177. Swanston, Jamie is a citizen of St. Croix, United States Virgin Islands.
178. Sweeney, Nelson is a citizen of St. Croix, United States Virgin Islands.
179. Tavernier, Nicholls is a citizen of St. Croix, United States Virgin Islands.
180. Taylor, Livingstone Seymour Sr. is a citizen of St. Croix, United States Virgin Islands.
181. Techeira, Neldine is a citizen of St. Croix, United States Virgin Islands.
182. Thompson, Macherry is a citizen of St. Croix, United States Virgin Islands.
183. James, Shaquan, son and next of Friend of Thompson, Macherry minor child and are citizens of St. Croix, United States Virgin Islands.
184. Tirado, Nanna I. is a citizen of St. Croix, United States Virgin Islands.
185. Torres, Evelyn is a citizen of St. Croix, United States Virgin Islands.
186. Torres, Hermino Sr. is a citizen of St. Croix, United States Virgin Islands.
187. Torres, Jose Manuel is a citizen of St. Croix, United States Virgin Islands.
188. Jean Baptise, Marlisha, daughter and next of Friend of Trowers, Trisha minor child and are citizens of St. Croix, United States Virgin Islands.
189. Tutein, Njeri is a citizen of St. Croix, United States Virgin Islands.

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190. Vasquez, Jose E. Jr. is a citizen of St. Croix, United States Virgin Islands.
191. Velez, Norma is a citizen of St. Croix, United States Virgin Islands.
192. Velez, Yesenia M. is a citizen of St. Croix, United States Virgin Islands.
193. Ventura, Carlos F. Jr. is a citizen of St. Croix, United States Virgin Islands.
194. Ventura, Carmen Lydia is a citizen of St. Croix, United States Virgin Islands.
195. Walker, Joseph is a citizen of St. Croix, United States Virgin Islands.
196. Warrell, Jennifer is a citizen of St. Croix, United States Virgin Islands.
197. Williams, Alfreda is a citizen of St. Croix, United States Virgin Islands.
198. Williams, Clayton A. Jr. is a citizen of St. Croix, United States Virgin Islands.
199. Williams, Dinorah is a citizen of St. Croix, United States Virgin Islands.
200. For about thirty years, an alumina refinery located near thousands of homes on the south shore of the island of St. Croix was owned and/or operated by a number of entities. The facility refined a red ore called bauxite into alumina, creating enormous mounds of the by-product, bauxite residue, red mud, or red dust.
201. Defendant Glencore, Ltd., f/k/a as Clarendon, Ltd., is a Swiss company that wholly owned and controlled Virgin Islands Alumina Company ("VIALCO"), and VIALCO acquired the alumina refinery on St. Croix in 1989. VIALCO is not a party to this lawsuit
202. Glencore, Ltd. is wholly owned by Defendant Glencore International AG ("Glencore International"), a Swiss company.

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203. Glencore, Ltd. f/k/a Clarendon Ltd., actively participated in planning meetings and data collection for the start up of the alumina refinery and in VIALCO's operation of the alumina refinery. Glencore had to approve VIALCO's most basic decisions, including but not limited to, salaries and benefits of its employees, and improvements at the facility. Glencore funded all refinery activities and regularly inspected the facility.
204. The height of the red mud piles increased while Glencore and VIALCO operated the refinery.
205. In April 1995, VIALCO's stock was transferred to Defendant Century Aluminum Company ("Century Aluminum") Century Chartering Company, a wholly owned subsidiary of Glencore International. Century Chartering Company changed its name to Century Aluminum Company ("Century Aluminum") in July 1995 and remained a wholly owned subsidiary of Glencore International through April 1996. Defendant Century Aluminum is a Delaware corporation with its principal place of business in California.
206. Substantially all of VIALCO's assets, including the alumina refinery, were sold by Defendant Century Aluminum to Defendant St. Croix Alumina, L.L.C. ("SCA"), a subsidiary of Defendant Alcoa, Inc. (Alcoa"), on July 24, 1995. In the Acquisition Agreement for the sale of the refinery, Defendant Glencore International was identified as VIALCO's ultimate parent and Alcoa was identified as the ultimate parent of SCA.

207. As a condition of the sale, Glencore International, retained liability for up to \$18 million for claims made by July 24, 2001 arising from specified environmental conditions, including without limitation, claims related to substances migrating from the refinery, and the parties agreed to cooperate with regard to the investigation and remediation of environmental conditions covered by the Acquisition Agreement.
208. Subsequently, both Glencore Ltd and Century Aluminum acted to satisfy the indemnification obligations of Glencore International pursuant to the Acquisition Agreement for the sale of the VIALCO facility to SCA. Glencore International, Glencore Ltd. and Century Aluminum are hereinafter collectively "the Glencore Defendants."
209. Century Aluminum "accrued the expense of settlement in 1996" of a 1995 case against VIALCO for, *inter alia*, nuisance from "pollutants, toxins, dusts . . . and particulates" discharged from the refinery property.
210. As another condition of the 1995 sale, Alcoa agreed to purchase bauxite from Glencore, Ltd. for the St. Croix facility at least through 1998. Concurrent with the sale, various Alcoa entities entered into three separate alumina supply contracts with Glencore, Ltd.
211. Defendant St. Croix Alumina, LLC ("SCA") is a limited liability corporation which is registered in Delaware and is deemed to be a citizen of Delaware, Pennsylvania, Virginia, and Australia. SCA operated the alumina refinery from

1998 to 2001. At all relevant times, SCA was a wholly-owned subsidiary of Defendant ALCOA, Inc. and was an "Alcoa-controlled entity."

212. Defendant ALCOA, Inc., ("Alcoa") formerly Alumina Company of America, is a Pennsylvania corporation with its principal place of business in New York, and at all relevant times ALCOA was the parent company of St. Croix Alumina and made environmental decisions concerning the refinery as well as economic and budgetary decisions. Alcoa and SCA are hereinafter collectively "the Alcoa Defendants."
213. St. Croix Renaissance Group LLLP ("SCRG") upon information is a Limited Liability Limited Partnership and is deemed to be a citizen of Florida, Massachusetts, Puerto Rico and St. Croix, U.S. Virgin Islands. In or about 2002, the Alcoa Defendants entered into a Purchase and Sale Agreement ("PSA") for the refinery with Brownfields Recovery Corporation ("BRC") and Energy Answers of Puerto Rico ("EAPR") and BRC and EAPR immediately transferred their interests in the refinery to St. Croix Renaissance Group ("SCRG").
214. As a term of the 2002 sale of the refinery to SCRG, and as further established by a subsequent amendment of the PSA, Defendants ALCOA and SCA retained liability arising out of any alleged failure to secure materials at the refinery, including but not limited to bauxite, "red dust" and "red mud" and a right of access to remediate the red mud piles.
215. SCRG has owned and/or operated the refinery from 2002 to the present.



## FACTUAL BACKGROUND

### A. The St. Croix Alumina Refinery

216. Alumina is extracted from a naturally-occurring ore called bauxite. Bauxite is red in color. Defendants' own Material Safety Data Sheet ("MSDS") for bauxite warns that it can cause mild irritation of the eyes, skin and upper respiratory tract.
217. The byproduct of the alumina refining process used at the St. Croix refinery is a red substance called bauxite residue, or "red mud" or "red dust," which is indistinguishable in color and texture from bauxite. The MSDS for red mud states that it can cause "severe irritation and burns [of eyes], especially when wet," "can cause severe irritation [of skin], especially when wet," and "can cause irritation of the upper respiratory tract." It also advises against skin and eye exposure to red mud. Red mud damages real and personal property.
218. From the beginning of the alumina refinery's operations, the red mud was stored with coal dust and other particulates outdoors in open piles that at times were as high as approximately 120 feet and covered up to 190 acres of land. For years, the uncovered piles often emitted fugitive dust when winds blew across the refinery and on the frequent occasions when bulldozers ran over them.
219. In addition, the refinery contained asbestos and other particulates in various conditions that were never removed from the premises, in violation of law.
220. The bauxite was stored in a steel A-frame structure with plastic sheets hung

down the sides, called the bauxite storage shed. In 1995, Hurricane Marilyn hit St. Croix and damaged the roof of the bauxite storage shed, which allowed the dusty bauxite to be blown out of the shed.

221. The Glencore Defendants failed to correctly control the storage and containment of the bauxite while they owned and operated the alumina refinery. The Glencore Defendants also failed to properly store, contain and/or remove the asbestos, red dust and/or red mud, coal dust, and other particulates prior to the sale of the refinery to the Alcoa Defendants. Instead Glencore left the red dust, coal dust, and other particulates in open uncovered piles on the property and failed to remove or properly contain the friable, unencapsulated and/or uncovered asbestos that was there.
222. Defendants ALCOA and St. Croix Alumina continued to fail to correctly control the storage and containment of the bauxite, red mud, coal dust, and other particulates.
223. In 1995, Defendants ALCOA and St. Croix Alumina estimated the cost of asbestos removal to be "in the range of \$20 million" and continued to fail to correctly control the storage and containment of friable, unencapsulated and/or uncovered asbestos.
224. Defendants ALCOA and St. Croix Alumina added red dust, coal dust and other particulates to the materials left behind by the Glencore Defendants and continued to stack and store them in huge uncovered piles.

225. The Alcoa Defendants failed to properly store, contain and/or remove the asbestos, red dust and/or red mud, coal dust, and other particulates, prior to the sale of the refinery to SCRG. Instead, the Alcoa Defendants left the red dust, coal dust, and other particulates, in uncovered piles on the property. In 1995, Alcoa estimated the future costs to close the red dust disposal areas at \$3.7 to \$15 million and the total projected cost to clean up major environmental issues on shut down at \$30 to \$45 million.
226. At all relevant times, Defendants knew about the risk of dust emissions from the alumina refinery. In 1977, the owners and operators of the alumina refinery learned about the need to control drainage, erosion, and dust problems from the red mud piles and ways in which to prevent such emissions.
227. In 1987, an Alcoa research scientist wrote about the potential for emissions from the red mud piles and recommended methods for controlling releases.
228. A 1989 report from Ormet Corporation to Glencore identified a potential air pollution problem posed by bauxite residue and the concern about the ability of the bauxite shed to withstand storm conditions.
229. In 1991, SCA knew that residents living downwind from the alumina refinery had complained about fugitive dusts from the refinery.
230. For years before Georges, the uncovered red mud piles often emitted fugitive dust when winds blew across the alumina refinery or on the frequent occasions when SCA ran bulldozers over them.

231. In 1994, a DPNR field inspection found evidence of dust emissions from the red mud piles. There had also been numerous reports of water causing the erosion of red mud during storms.
232. In June of 2000, SCA itself acknowledged that a major community concern is fugitive emissions from red mud dusting in weather conditions less severe than hurricanes.

**B. Hurricane Georges**

233. Despite their prior knowledge that St. Croix was a hurricane-prone area, that the red mud piles and the bauxite shed could emit fugitive dusts, and that emissions from the refinery affected the neighboring residences, the Glencore Defendants and the Alcoa Defendants failed to properly prepare for Hurricane Georges including, but not limited to, failing to secure the bauxite, red dust, coal dust and other particulates or remove and/or secure asbestos.
234. Hurricane Georges struck St. Croix on September 21, 1998.
235. Because Defendants did not properly store and/or safeguard the bauxite, red mud, coal dust, and other particulates, the winds of Hurricane Georges blew huge quantities of "red dust" consisting of red mud and bauxite and/ other particulates into the neighboring residences. Refinery workers employed by the Alcoa Defendants reported seeing the winds shift and blow huge amounts of bauxite out of holes in the roof of the storage shed towards the nearby neighborhoods, and area residents saw red dust swirling about their properties

during the storm. Later, Defendants also admitted that the hurricane carried bauxite and red mud from the piles to the adjacent neighborhoods.

236. As a result, Plaintiffs' homes, yards, and personal property were coated in the "red dust" consisting of red mud and bauxite and other particulates from the alumina refinery and were damaged and/or destroyed.

237. The "red dust" consisting of red mud and bauxite and other particulates blew into Plaintiffs' cisterns, the primary source of potable water for many residents of St. Croix, and turned the water red.

238. Plaintiffs also inhaled, ingested and/or were physically exposed to numerous toxic substances that blew over from the alumina refinery. As a result, Plaintiffs suffered health ailments, including but not limited to, irritated eyes, skin, and respiratory tracts.

### **C. After Hurricane Georges**

239. After Hurricane Georges, Defendants continued to improperly store the bauxite, red dust, and other particulates and allowed those substances to continue to blow about the island and damage Plaintiffs wherever there was a strong wind or work done on the red dust piles.

240. Defendants also delayed cleaning up the bauxite, red dust, and other particulates and allowed those substances to continue to blow about the island and damage Plaintiffs.

241. When Defendants ALCOA and St. Croix Alumina finally began to attempt to

clean up the substances from the neighborhoods, they did so in a negligent matter which resulted in incomplete clean up, damage to Plaintiffs' homes, appliances, furnishings and clothes among other items.

242. Defendants have failed to clean and thoro-seal the Plaintiffs cisterns required as a result of the release.
243. Plaintiffs were forced to obtain potable water and incur the expense, thereof.
244. Alcoa and SCA retained responsibility for red mud or bauxite releases during Hurricane Georges and were required to continue post-closing remediation of certain areas of the alumina refinery premises to the satisfaction of the DPNR.
245. The refinery ceased operations in approximately 2002.
246. Upon information, in 2001 the Alcoa Defendants sought indemnification from the Glencore Defendants, pursuant to the Acquisition Agreement between Alcoa and Glencore, for the investigation and clean up of the refinery prior to closure.
247. In January 2003, SCA entered into a consent order with DPNR to remediate releases from the red mud piles that occurred in 2002 and to construct a control system to prevent or minimize future releases from the red mud piles into the environment.
248. Defendant SCRG has also granted "DPNR, SCA and VIALCO and the contractors, subcontractors, and other agents of DPNR, SCA and/or VIALCO access to the Alumina Facility reasonably necessary to effecuate any and all remediation of the red mud piles and red mud releases, which may be (a)

ordered by a court, (b) ordered and/or approved by DPNR, or (c) agreed to by DPNR and SCA and/or VIALCO."

249. Upon information Defendant ALCOA failed to properly disclose to SCRG all hazardous substances and particulates at the refinery and concealed the same and, further, went in after the sale and destabilized the red mud piles.

250. In addition, ALCOA represented that it was abating all asbestos at the refinery at the time of the sale to SCRG.

251. In reality, they failed to do so and failed to disclose this to SCRG.

252. At the time it failed to do so, it knew there was friable asbestos throughout the plant blowing into the Plaintiffs' homes and being inhaled by Plaintiffs.

253. The Alcoa Defendants further concealed from Plaintiffs the true extent of the toxic substances, the toxicity of the substances, and misrepresented to Plaintiffs that there were no dangerous conditions or substances at the refinery to which they were being exposed.

254. SCRG discovered that ALCOA had not abated the asbestos on or about 2006 when it was informed by DPNR.

255. SCRG attempted to conceal the fact it had friable asbestos in the plant and left it there for years.

256. SCRG knew that friable asbestos was being blown into Plaintiffs' homes and being inhaled by Plaintiffs but failed to disclose or warn

257. In addition, ALCOA represented that it was abating all asbestos at the refinery at

the time of the sale to SCRG.

258. In reality, they failed to do so and failed to disclose this to SCRG.
259. At the time it failed to do so, it knew there was friable asbestos throughout the plant blowing into the Plaintiffs' homes and being inhaled by Plaintiffs.
260. The Alcoa Defendants further concealed from Plaintiffs the true extent of the toxic substances, the toxicity of the substances, and misrepresented to Plaintiffs that there were no dangerous conditions or substances at the refinery to which they were being exposed.
261. SCRG discovered that ALCOA had not abated the asbestos on or about 2006 when it was informed by DPNR.
262. SCRG attempted to conceal the fact it had friable asbestos in the plant and left it there for years.
263. SCRG knew that friable asbestos was being blown into Plaintiffs' homes and being inhaled by Plaintiffs but failed to disclose or warn.
264. During its operation and/or ownership of the alumina refinery, SCRG has failed to remove the asbestos from the refinery.
265. Upon information the asbestos has been friable and in an extremely dangerous condition for at least 10 years but Plaintiffs had no way of knowing or discovering that. In particular, Defendants concealed the existence of the friable asbestos from Plaintiffs until 2010, when DPNR produced documents, indicating the presence of asbestos in discovery in the Bennington v. SCRG matter indicating



that unencapsulated asbestos fibers were permitted to hang and blow about freely.

266. Upon information SCRG hid the fact that it had friable asbestos not only from the Plaintiffs but also from Department of Natural Resources (DNR) and Environmental Protection Agency (EPA) and in fact, made false reports concerning the same.

267. SCRG did nothing to remove that asbestos for some three (3) years.

268. As a result deadly asbestos blew about the neighborhoods near the refinery for at least ten (10) years causing Plaintiffs to inhale asbestos and otherwise be exposed to asbestos.

269. As a result of Defendants' conduct before, during and after Hurricane Georges, and continuing to date, Plaintiffs suffered and continue to suffer physical injuries, medical expenses, damage to their properties and possessions, loss of income, loss of capacity to earn income, mental anguish, pain and suffering and loss of enjoyment of life a propensity for additional medical illness, a reasonable fear of contracting illness in the future all of which are expected to continue into the foreseeable future.

270. To this date, Defendants are continuing to expose Plaintiffs to red dust, bauxite, asbestos and other particulates and toxic substances. Defendants' conduct is also continuing to prevent Plaintiffs from freely enjoying their properties.

**D. Related Litigation**

271. In 1999, local residents and workers filed a class action ("*Henry*") against all the Defendants in this case except SCRG in a case styled *Henry v. St. Croix Alumina, LLC*, Civ. No. 1999-0036, in the District Court of the Virgin Islands. The *Henry* plaintiffs sought compensatory and punitive damages for personal injuries and property damage sustained from exposure to toxic materials from the refinery, including bauxite, red mud, and other particulates, during and after Hurricane Georges.
272. In addition to damages for personal injuries and property damages, the *Henry* plaintiffs also sought an injunction requiring the defendants to (a) stop all activities that allow the release of pollutants, (b) remove the piles of red dust, coal dust, and other particulates from the island, and (c) refrain from allowing said substances from reaccumulating on the island .
273. The initial class in *Henry* was defined as
- [a]ll individuals who, as of September 21, 1998 [the date of Hurricane Georges], resided, worked, and/or owned property located in the following six communities adjacent to and downwind from the St. Croix Alumina Refinery Plant—the projects of Harvey and Clifton Hill and the estates of Barren Spot, Profit, Clifton Hill and La Reine—who, due to Defendants' conduct with regard to the containment and storage of red dust containing bauxite and red mud, suffered damages and/or injuries as a result of exposure during and after Hurricane Georges to red dust and red mud blown during Hurricane Georges.
274. Plaintiffs herein are former members of the original class in *Henry*, in that, as of

September 21, 1998, they either resided and/or worked and/or owned property located in one of the six communities described above, and they have suffered and continue to suffer damages and/or injuries as a result of exposure to red dust, red mud, and other particulates during and after Hurricane Georges.

275. The *Henry* plaintiffs exchanged discovery with the defendants over the first two years of the litigation. Then, for about five more years, the parties traveled the country deposing fact and expert witnesses.
276. In 2004, SCRG filed a separate suit against Alcoa for fraud, breach of contract, and negligence arising out of the sale of the St. Croix Alumina Refinery.
277. In 2006, the *Henry* court ruled that the class would only remain certified for the the liability stage of trial, and then the class would be decertified for the damages stage.
278. About two years later, on June 3, 2008, the *Henry* court decertified the original class and certified a new class of "[a]ll persons who **currently** reside, work, and/or own property in the projects of Harvey and Clifton Hill and the estates of Barren Spot, Profit, Clifton Hill, and La Reine. . . ." Also, the *Henry* court ruled that the new class was certified "only insofar as they seek cleanup, abatement or removal of the substances **currently present** on the refinery property." The *Henry* court also appointed the representatives of the former class to represent the new class.

**COUNT I: Abnormally Dangerous Condition**

279. . Plaintiffs repeat and re-allege each allegation of Paragraph 1-278 as if set forth herein verbatim.
280. . The actions of each Defendant constitutes maintaining an abnormally dangerous condition.
281. The St. Croix Alumina refinery is located in a known hurricane zone at the head of the Kraus Lagoon Channel at Port Alucroix, which leads to the Caribbean Sea. The natural resources of the Virgin Islands are particularly sensitive and precious.
282. Residential communities are also located just north of the refinery.
283. Defendants' use, storage, disposal and failure to remediate the bauxite, red dust and/or red mud, asbestos, coal dust, and other particulates at the refinery was solely for Defendants' own business purposes.
284. Defendants knew and understood that there was a high risk that strong winds could blow bauxite, red mud, asbestos and other particulates into Plaintiffs' neighborhoods.
285. Defendants' storage, disposal, and failure to remediate the bauxite, red mud, asbestos, and other particulates presented a high risk of great harm to Plaintiffs' health, chattel, and properties. Bauxite and red mud can irritate the skin, respiratory tract, and eyes and can permanently stain, clog, and otherwise damage property and objects. Friable asbestos is also a known carcinogen that

can cause a variety of respiratory illnesses.

286. Defendants' use, storage, disposal and failure to remediate bauxite, red mud, asbestos and other particulates at the alumina refinery caused serious harm to Plaintiffs' persons, chattel, and properties. As a result, the Plaintiffs suffered damages as alleged herein.

**COUNT III: Public Nuisance**

287. Plaintiffs repeat and re-allege each allegation of Paragraph 1-286 as if set forth herein verbatim.

288. The actions of Defendants constitute a public nuisance.

289. Specifically, the ongoing release of harmful dusts, including bauxite, red mud, coal dust, asbestos, and other particulates, from the alumina refinery unreasonably threatens and interferes with the public rights to safety, health, peace, comfort, and the enjoyment of private land and public natural resources.

290. The actions of Defendants violated the statutes of the Virgin Islands (including, but not limited to, 12 V.I.R. & R. § 204-20(d) & (e), § 204-25(a)(2) & (3), § 204-25(c), and § 204-27(a)) and constitutes nuisance *per se*.

291. Plaintiffs are entitled to damages as a result, thereof.

292. The Plaintiffs are further entitled to an injunction requiring Defendants to desist all activities that allow the release of pollutants, further requiring Defendants to remove the piles of "red dust", coal dust and other particulates, to remove all such pollutants, "red dust", coal dust and other particulates including asbestos

from the island of St. Croix, and to refrain from allowing said substances from accumulating again on St. Croix.

**COUNT IV: Private Nuisance**

293. Plaintiffs repeat and re-allege each allegation of Paragraph 1-292 as if set forth herein verbatim.
294. Defendants' actions constitute a private nuisance.
295. Defendants' release of massive quantities of bauxite, red mud, asbestos, and other particulates has stained, clogged, and otherwise damaged and/or destroyed Plaintiffs' homes and yards.
296. Defendants' release of massive quantities of bauxite, red mud, asbestos, and other particulates has exposed Plaintiffs' bodies to toxic and/or irritating dusts.
297. By so doing, Defendants have wrongfully and unreasonably interfered with Plaintiffs' private use and enjoyment of their homes and properties. As a result, plaintiffs have been damaged as alleged, herein

**COUNT V: Negligence as to Defendants Alcoa and SCA only**

298. Plaintiffs repeat and re-allege each allegation of Paragraph 1-297 as if set forth herein verbatim.
299. Defendants' negligently attempted to abate the nuisance of the bauxite and/or red mud deposited in Plaintiffs' neighborhoods, such that Defendants caused additional damage to Plaintiffs' bodies, real property, and personal property.
300. For some time after Hurricane Georges hit St. Croix, SCA and Alcoa failed to

clean up the bauxite, red mud, and and other particulates from both the alumina refinery and the nearby neighborhoods. This failure allowed toxic and irritating dusts to blow about Plaintiffs' neighborhoods and damage Plaintiffs and their property.

301. Eventually, SCA and Alcoa admitted they were responsible for the bauxite, red mud and other particulates that had inundated the Plaintiffs and their property and voluntarily undertook the effort to clean up the bauxite, red mud, and other particulates from Plaintiffs' neighborhoods.

302. Defendants SCA and Alcoa negligently and improperly used high-pressure water sprayers on Plaintiffs' property, which damaged Plaintiffs' homes, yards, cisterns, and other property.

303. Defendants SCA and Alcoa improperly and/or inadequately used cleaning agents on Plaintiffs' property, which damaged Plaintiffs' homes, yards, cisterns, and other property.

304. Defendants SCA and Alcoa failed to thoroughly remove all the deposits of bauxite and/or red mud or other particulates from Plaintiffs' homes, yards, cisterns, and other property, which caused further damage to such property and further exposed Plaintiffs to the toxic and irritating dusts.

305. As a result, Plaintiffs have suffered damages as alleged, herein.

**COUNT VI: Intentional Infliction of Emotional Distress**

306. Plaintiffs repeat and re-allege each allegation of Paragraph 1-305 as if set forth

herein verbatim.

307. The actions of Defendants constitute the intentional infliction of emotional distress on Plaintiffs.
308. For many years before Hurricane Georges hit St. Croix, Defendants knew and understood that exposure to bauxite and red mud asbestos and other particulates presented serious risks to the health and property of thousands of St. Croix residents. Defendants also understood that the emissions posed serious threats to the local environment and natural resources.
309. Long before Hurricane Georges, Defendants knew that wind, rain and/or flooding, and other physical disturbances could release bauxite, red mud asbestos and other particulates from the alumina refinery into Plaintiffs' neighborhoods.
310. For decades, Defendants have understood that St. Croix is a hurricane-prone area and that local residents rely on cisterns as their primary source of drinking water.
311. Since at least 2006, Defendant SCRG also knew that dangerous friable asbestos was present at the refinery and could be blown by winds into Plaintiffs' neighborhoods as well as the red mud and related particulates.
312. Despite this knowledge, Defendants' knowingly and intentionally failed to take precautions to prevent bauxite, red mud, asbestos and other particulates from blowing into Plaintiffs' neighborhoods.



313. Furthermore, after Hurricane Georges, Defendants SCA and Alcoa delayed the clean-up and failed to properly remove the bauxite and red mud from Plaintiffs' cisterns and properties, even though they knew that hurricane victims had limited access to clean drinking water.
314. After Defendants permitted Plaintiffs to be exposed to bauxite, red mud, asbestos and other particulates emissions from the alumina refinery, Defendants' purposefully concealed and/or misrepresented the health risks associated with exposure to the emissions from Plaintiffs.
315. Years after learning that emissions from the alumina refinery presented high risk of serious injury to Plaintiffs and the natural resources of the Virgin Islands, Defendants continue to allow bauxite, red mud, asbestos and other particulates to blow into Plaintiffs' neighborhoods and cause significant harm to Plaintiffs' minds, bodies, and property.
316. As a result of Defendants' callous disregard for the health, safety, well-being and property of Plaintiffs, Plaintiffs have suffered damages as alleged herein, including severe emotional distress and physical ailments resulting from such distress.

**COUNT VII: Negligent Infliction of Emotional Distress**

317. Plaintiffs repeat and re-allege each allegation of Paragraph 1-316 as if set forth herein verbatim.
318. In the alternative to intentional infliction of emotional distress, the actions of

Defendants constitute the negligent infliction of emotional distress.

319. As a result, Plaintiffs have been damaged as alleged, herein.

**COUNT VIII: Negligence as to All Defendants**

320. Plaintiffs repeat and re-allege each allegation of Paragraph 1-319 as if set forth herein verbatim.

321. The actions of Defendants constitute negligence.

322. Before Hurricane Georges, Defendant Glencore owned and operated the alumina refinery.

323. Glencore failed to secure and/or properly store or maintain bauxite and/or red mud and/or asbestos and other particulates. Glencore also continued to supply bauxite to the successive owners and/or operators of the refinery without adequately warning and/or ensuring that those successors properly stored and/or maintained the bauxite and/or red mud and or removed the asbestos and other particulates.

324. Glencore's conduct fell below the standard of care of a reasonable property owner and/or operator in similar circumstances.

325. Glencore knew and/or should have known that its failure to secure the bauxite and red mud and related particulates at the alumina refinery and remove the asbestos would allow these dangerous and irritating materials to blow freely into Plaintiffs' neighborhoods and harm Plaintiffs' and their properties.

326. Glencore's failure to secure the bauxite and red mud, asbestos and related

particulates at the alumina refinery caused the toxic and irritating dusts to blow into nearby neighborhoods and damage Plaintiffs and their properties.

327. Before and after Hurricane Georges, Alcoa and SCA owned and/or operated the alumina refinery and failed to adequately secure the bauxite and red mud and related particulates on the premises or to remove the asbestos.
328. Alcoa and SCA's conduct fell below the standard of care of a reasonable property owner and/or operator in similar circumstances.
329. Alcoa and SCA knew and/or should have known that its failure to secure the bauxite and red mud and related particulates at the alumina refinery and remove the asbestos would allow these toxic and irritating materials to blow freely into Plaintiffs' neighborhoods and harm Plaintiffs' and their properties.
330. Alcoa and SCA's failure to secure the bauxite and red mud and related particulates at the alumina refinery and failure to remove the asbestos caused the toxic and irritating dusts to blow into nearby neighborhoods and damage Plaintiffs and their properties.
331. Before and after Hurricane Georges, Alcoa and SCA failed to adequately secure the bauxite and red mud and related particulates at the alumina refinery and failed to remove asbestos.
332. Alcoa and SCA's conduct fell below the standard of care of a reasonable property owner and/or operator in similar circumstances.
333. Alcoa and SCA knew and/or should have known that its failure to secure the

bauxite and red mud and related particulates at the alumina refinery and to remove the asbestos would allow these toxic and irritating materials to blow freely into Plaintiffs' neighborhoods and harm Plaintiffs' and their properties.

334. Alcoa and SCA's failure to secure the bauxite and red mud and related particulates at the alumina refinery and remove the asbestos caused the toxic and irritating dusts to blow into nearby neighborhoods and damage Plaintiffs and their properties.

335. SCRG owned and/or operated the alumina refinery.

336. SCRG failed to properly store and/or secure bauxite, red mud, related particulates and asbestos on the premises.

337. SCRG knew and/or should have known that its failure to secure these dangerous materials would allow them to blow freely into Plaintiffs' neighborhoods and harm Plaintiffs and their properties.

338. SCRG's failure to properly secure, store and/or maintain the bauxite, red mud, related particulates and asbestos at the alumina refinery allowed these materials to blow into the nearby areas and harm Plaintiffs and their properties.

339. As a result Plaintiffs have been damaged as alleged, herein.

**COUNT IX: Punitive Damages**

340. Plaintiffs repeat and re-allege each allegation of Paragraph 1-339 as if set forth herein verbatim.

341. The actions of defendants were and are so callous and done with such extreme

**COMPLAINT**

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indifference to the rights and interests of the Plaintiffs and the citizens of St. Croix so as to entitle Plaintiffs to an award of punitive damages.

**WHEREFORE**, Plaintiffs pray for damages as they may appear, compensatory and punitive, an injunction requiring that defendants cease and desist all activities that result in pollutants being discharged and, further requiring a clean up of all pollutants and removal of the piles of "Red Dust", coal dust and particulates, costs and fees and such other relief as this Court deems fair and just.

RESPECTFULLY SUBMITTED  
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DATED: March 29, 2011

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