

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHRISTY GRAVES, *et al.*

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Plaintiffs,

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vs.

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CIVIL ACTION NO: 4:17-CV-03068

ARKEMA, INC.; RICHARD RENNARD;
RICHARD P. ROWE; ANDREW
BURDETT; and BUREAU VERITAS
NORTH AMERICA, INC.;

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Defendants.

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**PLAINTIFF-INTERVENOR-APPLICANTS' UNOPPOSED
MOTION TO INTERVENE**

The persons designated as plaintiffs in the attached complaint against defendant Arkema, Inc, file this unopposed motion to intervene, pursuant to Federal Rule of Civil Procedure 24. Counsel for defendant Arkema, Inc. has advised plaintiff-intervenors' counsel that defendant does not oppose the motion.

In support of their motion, plaintiff-intervenors assert the following:

1. The Third Amended Complaint in this matter was filed on May 15, 2018.
2. Including the original plaintiffs and intervenors, the Graves case has 142 individual claimants, all of whom are residents of Harris County.
3. All plaintiffs in this action claim damages against defendant Arkema, Inc. as a result of events that occurred in and around Arkema's Crosby, Texas facility during Hurricane Harvey and its aftermath in August and September, 2017.

4. While many of the Graves plaintiffs were “first responders” alleging personal injuries, most are residents and/or landowners in Harris County who assert personal injury, property damage, and financial losses as a result of the same events.
5. Inter alia, plaintiffs assert causes of action against Arkema for negligence, nuisance, trespass and strict liability, seeking compensatory and punitive damages as well as injunctive relief.
6. The attached proposed complaint in intervention (Exhibit 2) will be brought against Arkema on behalf of seventy-four plaintiffs, including fourteen minor children. The names of plaintiff-intervenors are listed in Exhibit 1, and plaintiff-intervenors are collectively designated herein as “Abbott, et al.”
7. Abbott, et al., seek the same types of damages against Arkema as the plaintiffs in this action, and likewise assert claims under negligence, trespass, nuisance and strict liability theories.
8. Similarly, Abbott, et al., would prove their claims against Arkema by evidence of the same culpable acts and omissions asserted in Graves, including Arkema’s negligent storage and handling of hazardous chemicals, its failure to maintain adequate safety and emergency procedures, and failure to train its employees regarding known risks.
9. The Graves case is in an early stage of litigation; the intervention proposed herein would not significantly delay litigation or disposition of plaintiffs’ claims, and would work no prejudice to Arkema, its defenses, or the interest of any other party in Graves.
10. To undersigned counsel’s knowledge, Arkema does not oppose the intervention requested herein.
11. For the reasons set forth above, and those in the attached memorandum of law, the Court should grant the motion to intervene.

DATE: June 26, 2018

Respectfully submitted,

/s/ Lance N. Walters
LANCE WALTERS, ESQUIRE
TRACEY & FOX
State Bar No. 24085639
440 Louisiana Street, Suite 1901
Houston, TX 77002
Phone: 713-495-2333
Facsimile: 866-709-2333
Email: lwalters@traceylawfirm.com

OF COUNSEL: GERALD J. WILLIAMS, ESQUIRE
SAMUEL ABLOESER, ESQUIRE
DAVID CEDAR, ESQUIRE
WILLIAMS CEDAR, LLC
1515 Market Street, Suite 1300
Philadelphia, PA 19102-1929
Phone: 215.557.0099
Facsimile: 215.557-0673
Email: gwilliams@williamscedar.com
sabloeser@williamscedar.com
dcedar@williamscedar.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies on this 26th day of June, 2018 that a copy of the foregoing document was served upon counsel of record via the Court's eFiling system.

/s/ Lance N. Walters
LANCE N. WALTERS