

*Brenda Boone Cone*  
CLERK OF STATE COURT

**IN THE STATE COURT OF GLYNN COUNTY  
STATE OF GEORGIA**

**RICHARD COTTON, LENORA COTTON, )  
SHANNON SPELL, AND CHEROKEE )  
SPELL, Individually and on behalf of )  
all others similarly situated, )**

**Plaintiffs,**

**v.**

**SYMRISE, INC., VINCENT NOBLE, and )  
JOHN DOE 1-3, )**

**Defendants.**

**Civil Action      CV20220307  
File No. \_\_\_\_\_**

**Plaintiffs Demand a  
Jury Trial.**

**COMPLAINT**

COME NOW the above-named Plaintiffs, individually and on behalf of all others similarly situated, and state their Complaint against the Defendants, Symrise, Inc., Vincent Noble, and John Doe 1-3 as follows:

**I. JURISDICTION AND VENUE**

1. Plaintiffs individually named herein are residents of 120 Queens Court, Brunswick, Georgia 31523 of the State of Georgia, Glynn County, and are subject to the jurisdiction of this Court.

2. The Defendant, Symrise, Inc., is authorized to do business in the state of Georgia, and does business in the state of Georgia, and is subject to the jurisdiction and venue of this Court.

3. Symrise, Inc., maintains a registered agent for service of process and may be served in Gwinnett County, to wit: Corporation Service Company, 2 Sun Court Suite 400, Peachtree Corners, Georgia 30092.

4. Vincent Noble is a resident of Brunswick, Georgia and may be served with process at 113 Chatford Drive, Brunswick, GA 31525.

5. Upon information and belief, John Doe 1-3 are individuals whose names and addresses of residence are unknown.

**EXHIBIT A**

## **II. CLASS ALLEGATIONS**

6. The named Plaintiffs and the putative class members were residents of Glynn County, Georgia on November 7, 2022.

7. The Plaintiffs and the putative class members were exposed to hazardous materials and/or chemical fumes occasioned by the negligence or other wrongful conduct of the Defendants, in failing to exercise due care in the maintenance of the hazardous materials at its facility which exposure forced the Plaintiffs from their residences thus depriving the Plaintiffs, together as a class, and individually, of their unrestricted use and sole enjoyment of their dwelling places.

8. The Plaintiffs' class consists of all persons who were residents of the Glynn County, Georgia on November 7, 2022, and were required to evacuate their dwelling places on said date as a result of a fire/explosion at the Defendant Symrise's facility located in Colonel's Island, Glynn, County Georgia.

9. The Plaintiffs' class consists of an as of yet undetermined number of families. This class is so numerous that joinder of all members of the class is not practicable.

10. There are in this action questions of law and fact common to each class claimant including:

- (a) The duty owed each class member by Defendants;
- (b) The negligence giving rise to the breach of the duty owed to the Plaintiffs by Defendants.

11. Plaintiffs will fairly and adequately assert and protect the interests of the class in that:

- (a) The attorneys for the Plaintiffs are experienced in class action litigation; and
- (b) There is no conflict of the interest between the Plaintiffs and the interests of the class, but rather the Plaintiffs and the class share common interests in the subject matter hereof and the remedy sought.

12. A class action provides a fair and efficient method for the adjudication of this controversy in that:

(a) the common questions of law and fact predominate over any questions effecting only individual class members;

(b) if individual actions are required to be brought by each of the class members, a multiplicity of suits will result, causing great hardship to the class members and undue burden to the court;

(c) the prosecution of separate actions of individual class members would create a risk of inconsistent judgments in that adjudication with respect to individual class members could, as a practical matter, be dispositive of the causes of other class members not parties to the adjudication, or substantially impair or impede their ability to protect their interests.

(d) Plaintiffs are not aware of any litigation already commenced by or against class members involving any of the same issues as those presented herein.

(e) This Court is the appropriate forum for the litigation of the claims of the entire Class.

(f) In view of the issues concerning damages and the expense of the litigation, the separate claims of the individual class members are insufficient to support separate actions;

(g) In the view of the efficiency achieved in a class action, the benefit to be gained by the class in the form of damages will exceed the cost of litigation.

### **III. FACTS**

13. Based upon information and belief, the Defendant, Symrise, Inc., is a corporation authorized to do business in the State of Georgia, currently doing business in the State of Georgia, producing, manufacturing, packaging and/or distributing chemicals for over 30,000 products.

14. Based upon information and belief, the Defendant, Symrise, Inc., stored at its facility on 209 Scm Rd., Brunswick, Georgia 31523, various chemicals and chemical compounds, including but not necessarily limited to hydrogen peroxide.

15. Based upon information and belief, Defendant Noble is the Maintenance Supervisor at Defendant Symrise's plant and is responsible for maintaining the plant in a safe and operable condition.

16. Based upon information and belief, Defendants have received numerous complaints and has been the subject of numerous investigations by various governmental agencies as a result of complaints.

17. On November 7, 2022, there was an explosion and/or fire that consumed at least three chemical containment vats at the facility.

18. As a result of said explosion and/or fire, a huge plume of thick, black smoke and potentially dangerous/noxious fumes filled the air and spread over Glynn County, Georgia, more particularly, in the area in which the Plaintiffs reside.

19. As a further result of said explosion and/or fire, the Plaintiffs were evacuated and suffered annoyance and discomfort because of the deprivation of their unrestricted use and full enjoyment of their dwelling places,

20. As a further result of said explosion and/or fire on the morning of November 7, 2022, the Plaintiffs were exposed to toxic chemicals/materials.

21. Defendants' activities at Smc Rd. Brunswick, Georgia facility were conducted for profit and fraught with substantial risks and the possibility of the gravest of consequences.

#### **IV. CAUSES OF ACTIONS**

##### **COUNT ONE - STRICT LIABILITY**

22. Plaintiff's incorporate by reference paragraphs 1 through 19 as if specifically pled herein.

23. The conduct of the Defendant Symrise, Inc. in maintaining on its premises dangerous chemicals, including but not necessarily limited to hydrogen peroxide, was an ultra-hazardous activity.

24. Because Symrise, Inc. was engaged in ultra-hazardous activity, it is strictly liable for its ultra-hazardous activity, regardless of the exercise of due care.

25. Symrise, Inc. knew, or in the exercise of ordinary care, ought to have known of the hazard involved and the probability of injury and/or damage to the Plaintiffs, and each of them.

26. As a result of the ultra-hazardous activity carried on by Symrise, Inc., the Plaintiffs, and each of them, have suffered annoyance and discomfort as a result of the deprivation of their unrestricted use and full enjoyment of their premises for which they are entitled to recovery as determined by the enlightened conscience of the jury.

### **COUNT TWO - NUISANCE**

27. Plaintiff's incorporate paragraphs 1 through 24 by reference as if specifically pled herein.

28. The Defendant Symrise, Inc. stored on a permanent basis large volumes of chemical material including, but not necessarily limited to, hydrogen peroxide.

29. The Defendant Symrise, Inc. knew or should have known that hydrogen peroxide is a strong oxidizer which greatly enhances the combustion of other chemicals should they ignite if not properly stored and/or handled.

30. The Defendant Symrise, Inc. is guilty of maintaining a nuisance on its premises as the compounds referenced herein might explode doing injury to the surrounding persons and/or property.

31. As a result of Defendant Symrise, Inc.'s maintenance of the nuisance at its Smc Rd., Brunswick, Georgia facility, the Plaintiffs and each of them, have suffered annoyance and discomfort as a result of the deprivation of their unrestricted use and full enjoyment of their dwelling places, for which they are entitled to recover in an amount to be determined by the enlightened conscience of the jury.

**COUNT III - NEGLIGENCE**

32. Plaintiffs incorporate paragraphs 1 through 29 by reference as if specifically pled herein.

33. The Defendants had the duty to exercise that degree of caution and circumspection which would be exercised by a reasonable and prudent man in view of the circumstances, with regard to the fact that the chemical compounds maintained constituted a dangerous commodity and represent a great risk of injury to persons and/or property.

34. The Defendants had knowledge of or should have had knowledge of leaking and/or improperly stored and/or improperly handled chemicals, based upon information and belief, and negligently failed to exercise due care in responding to said problems.

35. Based upon information and belief, the Defendants failed to exercise that degree of caution and circumspection that would be exercised by a reasonable and prudent man in view of the circumstances and negligently permitted its facility to ignite and explode thus causing a massive fire at its Smc Rd., Brunswick, Georgia facility.

36. As a result of Defendants' negligence, the Plaintiffs, and each of them have suffered annoyance and discomfort as a result of the deprivation of the full use and enjoyment of their dwelling places for which the Plaintiffs are entitled to recovery damages in an amount to be determined by the enlightened conscience of the jury.

**WHEREFORE**, Plaintiffs pray for:

- (a) an order certifying the proposed class;
- (b) actual damages occasioned by the deprivation of their unrestricted use and full enjoyment of their premises;
- (c) compensation as to be determined by the enlightened conscience of the jury for the annoyance and discomfort occasioned by the deprivation of their unrestricted use and full enjoyment of their premises; and
- (d) for any other and further relief as the Court may deem just and proper.

Respectfully this the 8th day of November, 2022.

/s/ Mark A. Tate  
MARK A. TATE  
Georgia Bar No. 698820  
ANDREW A. ZEMANY  
Georgia Bar No. 459060  
*Attorneys for Plaintiffs*

TATE LAW GROUP, LLC  
25 Bull St., 2<sup>nd</sup> Floor  
Savannah, Georgia 31401  
912-234-3030  
[marktate@tatelawgoup.com](mailto:marktate@tatelawgoup.com)  
[azemany@tatelawgroup.com](mailto:azemany@tatelawgroup.com)

/s/ Brian Corry  
BRIAN CORRY  
Georgia Bar No. 165557  
*Attorney for Plaintiffs*

MCQUIGG, SMITH & CORRY, LLC  
1612 Newcastle Street, Ste 211  
Brunswick, Georgia 31520  
912-638-1174  
[brian@msclawga.com](mailto:brian@msclawga.com)

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Symrise Hit with Class Action Over 'Massive' Fire, Explosions at Georgia Facility](#)

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