

**COPY**

RICKEY MERGIST, ROBERT BROUSSARD, 16TH JUDICIAL DISTRICT COURT  
KEITH GEORGE, LEROY HENRY, JR.  
ALEXANDER LEYVA, CHAD PRADIA,  
AND TODD TRAHAN

DOCKET NO. 119137 Div C

PARISH OF IBERIA

VERSUS

MULTI-CHEM GROUP, L.L.C., ET AL

STATE OF LOUISIANA

PETITION FOR DAMAGES AND FOR CERTIFICATION OF CLASS ACTION AND  
REQUEST FOR ORDER TO INSPECT PREMISES

FILED FOR RECORD  
2011 JUL 29 10:26  
DEPUTY CLERK OF COURT  
PARISH OF IBERIA, LA

NOW INTO COURT, through undersigned counsel, come plaintiffs, RICKEY MERGIST, a person of the full age of majority and domiciled in Iberia Parish, Louisiana; ROBERT BROUSSARD, a person of the full age of majority and domiciled in Lafayette Parish, Louisiana; KEITH GEORGE, a person of the full age of majority and domiciled in Lafayette Parish, Louisiana; LEROY HENRY, JR., a person of the full age of majority and domiciled in Lafayette Parish, Louisiana; ALEXANDER LEYVA, a person of the full age of majority and domiciled in Lafayette, Louisiana; CHAD PRADIA, a person of the full age of majority and domiciled in Lafayette Parish, Louisiana AND TODD TRAHAN, a person of the full age of majority and domiciled in Iberia Parish, Louisiana, and, who, appearing on behalf of all persons who are similarly situation, having typical claims against the defendants named herein, respectfully represent:

1.

Made defendants herein are:

- (1) **MULTI-CHEM GROUP, LLC**, upon information and belief, a company authorized to do and doing business in the State of Louisiana, whose agent for service of process is National Registered Agents, Inc., 1011 N. Causeway Blvd., Ste. 3, Mandeville, Louisiana, 70471.
- (2) **JOHN GAUTHIER**, a person of the full age of majority and resident of Iberia Parish, Louisiana; and
- (3) **CADE BOURQUE**, a person of the full age of majority and resident of Vermillion Parish, Louisiana

2.

Plaintiffs' cause of action is for the negligence and strict liability of the defendants, MULTI-CHEM GROUP, LLC. JOHN GAUTHIER and CADE BOURQUE, who are justly and truly indebted unto plaintiffs in a sum to be proven at the trial of this matter together with legal interest from date of judicial demand, and all costs of these proceedings, as more fully described herein.

3.

On Tuesday, June 14, 2011, defendant, MULTI-CHEM GROUP, LLC, was operating and doing business at 3401 West Admiral Doyle Drive in New Iberia, Louisiana, when suddenly and without warning, one or more combustible materials and/or chemicals were ignited and exploded. The said JOHN GAUTHIER and CADE BOURQUE were employed and/or under total control of MULTI-CHEM GROUP, L.L.C., either as managers or in the capacity as supervisors, at all times material hereto, and were acting in the course and scope of their employment at all relevant times. Plaintiffs bring this action for damages, pursuant to La. C.C.P. art. 591, et seq., on behalf of all residents, businesses and employees who are someway situated in and around Iberia Parish who were affected by the aforesaid explosion

4.

Certain products and substances sold and distributed by MULTI-CHEM GROUP, L.L.C., for use in the oil and gas industry ignited and resulted in multiple and violent eruptions and explosions thereby violently shaking the surrounding buildings and landscapes and emitting a toxic mixture of hazardous fumes and smoke for several miles in the surrounding areas.

5.

These emissions came into contact with RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA and TODD TRAHAN, and numerous persons and other employees of Thomas Tools, while at their place of employment, Thomas Tools, located at 3201 West Admiral Doyle Drive, New Iberia, Louisiana. Thomas Tools' business location is a mere 20 feet from the MULTI-CHEM GROUP, LLC facility. The Plaintiffs were virtually at ground zero of the fire, explosion and chemical exposure. They were subjected to the most extreme heat and chemical exposure being that the Thomas Tools building occupies the same piece of dirt as Multi-Chem Group, L.L.C. The premises are so close to

one another that as a result of the fire and explosion, many of the employees' vehicles melted from the extreme heat.

6.

Due to the explosions and hazardous fumes emitted from the MULTJ-CHEM GROUP, LLC facility, State and local authorities evacuated the surrounding area and required RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA, TODD TRAHAN and others to vacate their premises thereby ceasing any and all business operations in the area and forcing many residents to evacuate.

7.

RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA, TODD TRAHAN and others were directly exposed to the hazardous fumes at issue herein and suffered from the absorption of these hazardous substances causing them to become ill and suffer with headaches, nausea, disorientation, blurred vision, etc.

8.

RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA, TODD TRAHAN and others have suffered mental/emotional injuries consisting of fear, mental anguish and inconvenience due to their physical exposure.

9.

Furthermore, RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA, TODD TRAHAN and others have incurred and will continue to incur the cost and expense of medical treatment as a result of their exposure to the hazardous chemical fumes at issue herein.

10.

Due to the aforesaid incident, RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA and TODD TRAHAN and other similar situated persons and legal entities were forced to evacuate buildings in a several mile radius around the MULTI-CHEM GROUP, LLC facility and forced to shut down business operations in the aforementioned area and have suffered damages to due to inconvenience, fear, loss of enjoyment of life, loss of use, business interruption and lost profits.

11.

Due to the nature and extent of the aforesaid incident, RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA and TODD TRAHAN and other similar situated persons and legal entities may suffer from future adverse health consequences due to the exposure of the toxic substances emitted from the MULTI-CHEM GROUP, LLC facility.

12.

The negligent acts of defendant, MULTI-CHEM GROUP, LLC, JOHN GAUTHIER and CADE BOURQUE, consist of but are not limited to the following:

- a. Improper handling of the toxic substances sold and/or distributed at the MULTICHEM GROUP, LLC facility;
- b. Failing to warn persons which MULTI-CHEM GROUP, LLC knew or reasonably should have known were in eminent danger of harmful chemical exposure;
- c. Negligently handling toxic substances in close proximity to neighboring individuals and business;
- d. Improper supervision and maintenance of the employees handling the toxic chemicals at the MULTI-CHEM GROUP, L.L.C. facility;
- e. Failure to provide properly trained and skilled employees in the handling of the aforementioned toxic substances;
- f. Failing to exercise due care regarding the notification of the surrounding businesses and community of the discharge of toxic substances;
- g. Failing to respond reasonably under the circumstances in containing the initial ignition of the aforementioned toxic substances;
- h. Owning, controlling and having custody over the MULTI-CHEM GROUP, L.L.C. facility and the hazardous substances contained on that site and creating an unreasonable risk of harm to the surrounding business and community;
- i. Other acts of negligence and fault to be shown at the trial of this matter.

13.

Upon information and belief there exists numerous other persons who are similarly situated to RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA and TODD TRAHAN, who were adversely affected by the incident at the MULTI-CHEM GROUP, LLC facility and who have sustained similar injuries and damages or will continue to sustain similar injuries and damages as these plaintiffs.

14.

Plaintiffs, RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA and TODD TRAHAN allege that a class action would be the most efficient means of litigation of all of the claims of similarly situated persons and therefore class action status should be maintained by this Court.

15.

The magnitude and numerosity of these persons and legal entities who are similarly situated will render joinder of all persons and legal entities impracticable.

16.

In addition, and in the alternative, this class action is proper for certification pursuant to La. C.C.P. art. 591(B)(3) due to the fact that the common question of law and fact predominate over any questions affecting only individual members, and the class action device is superior to other available methods for the fair and efficient adjudication of the controversy.

17.

The representative plaintiffs herein will fairly and adequately protect the interests of the members of the adversely effected class.

18.

The claims of plaintiffs, RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA and TODD TRAHAN, are typical of the claims of individuals, business and legal entities in the area surrounding the MULTI-CHEM GROUP, L.L.C. facility.

19.

The representative plaintiffs herein will fairly and adequately protect the interests of the members of the adversely effected class.

20.

The class is and may be defined objectively in terms of ascertainable criteria, such that the Court will be able to determine the constituency of the class for purposes of conclusiveness of any judgment that may be rendered against defendant herein.

21.

The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudication with respect to individual members of the class which would establish incompatible standards of conduct for the party or parties opposing the class.

22.

Adjudication with respect to individual members of the class which would as a practical matter be dispositive of the interests of other members who are not parties to the adjudications or substantially impair or impede their ability to protect their interests.

23.

Plaintiffs aver that to appropriately preserve evidence which will be needed at the trial of this matter, it is necessary that the Plaintiffs and/or their representatives be allowed to conduct air sampling activities and other scientific testing at the accident site. Plaintiffs further aver that due to the time sensitive nature of preserving the aforementioned evidence that Plaintiffs pray for an Order of this Court allowing Plaintiffs and/or their representatives to be allowed access to inspect the premises of MULTI-CHEM GROUP, LLC located at 3401 West Admiral Doyle Drive in New Iberia, Louisiana. Otherwise, irreparable injury will result in the form of loss of significant and irreplaceable physical evidence that is critical to Plaintiffs' claims.

24.

This class action is proper for certification pursuant to La. C.C.P. art. 591, et seq., due to the fact that the defendant, MULTI-CHEM GROUP, L.L.C., has acted and/or refused to act on grounds generally applicable to the class, thereby making equitable relief, injunctive relief and/or declaratory relief appropriate with the respect to the class as a whole.

As a result of the negligence of MULTI-CHEM GROUP, L.L.C., JOHN GAUTHIER and CADE BOURQUE, Plaintiffs, RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA and TODD TRAHAN, as well as putative class members, have sustained the following damages:

- a) Mental anguish and anxiety; past, present and future, in an amount reasonable in the premises;
- b) Travel and/or displacement expenses;
- c) Loss of income;
- d) Hotel expenses;
- e) Meal expenses;
- f) Expenditures for gasoline;
- g) Business loss;
- h) Expenses and reimbursement for clothing and/or personal items;
- i) Personal injuries for symptoms associated with the explosion;
- j) Damages for inhalation of toxic chemicals;
- k) Diminution of value of property; and
- l) Other damages; past, present and future, to be proven more fully at trial.

WHEREFORE, plaintiffs, RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA and TODD TRAHAN pray on behalf of themselves and all those similarly situated that the defendants, MULTI-CHEM GROUP, L.L.C., JOHN GAUTHIER and CADE BOURQUE, be served with a copy of the Petition for Damages, For Certification of Class Action and Request to Inspect Premises and be cited to appear and answer hereto, and after the lapse of all legal delays and due proceedings be had, there be a judgment herein in favor of Plaintiffs, RICKEY MERGIST, ROBERT BROUSSARD, KEITH GEORGE, LEROY HENRY, JR., ALEXANDER LEYVA, CHAD PRADIA and TODD TRAHAN, and those similarly situated, and against defendants, MULTI-CHEM GROUP, LLC, JOHN GAUTHIER and CADE BOURQUE for such damages as are reasonable under the premises, together with legal interest from the date of judicial demand, until paid and costs of these proceedings.

Plaintiffs further pray that this Court maintain this action as a class action for all persons and legal entities who have suffered damages similar to the Plaintiffs herein. Plaintiffs further pray that they and/or their representatives be allowed to conduct air sampling activities and inspect the premises of MULTI-CHEM GROUP, LLC located at 3401 West Admiral Doyle Drive in New Iberia, Louisiana.

Plaintiffs further pray that the defendant be required to pay all costs of these proceedings, as well as any and all additional and/or alternative relief as the law, equity and nature of the case will allow.

**FOR ALL GENERAL AND EQUITABLE RELIEF.**

Respectfully submitted by:

PLEASE SERVE:

**HOLD SERVICE ON ALL**

**MULTI-CHEM GROUP, L.L.C.**

Through its registered agent:  
National Registered Agents, Inc.  
1011 N. Causeway Blvd., Ste. 3  
Mandeville, LA 70471

**JOHN GAUTHIER**

Through his counsel of record:  
Peter A. Bourgeois  
Galloway Johnson et al  
701 Poydras Street, Ste. 4040  
New Orleans, LA 70139

**CADE BOURQUE**

218 North Hollingsworth Drive  
Abbeville, LA 70510

THE LAW OFFICE OF  
DERRIEL C. McCORVEY, L.L.C.

*Derriel McCorvey*

Derriel C. McCorvey  
Bar Roll# 26083  
115 W. Main Street Suite 14  
P.O. Box 2473  
Lafayette, LA 70501  
Tel. 337-291-2431  
Fax 337-291-2433  
Attorney for Plaintiffs



RICKEY MERGIST, ROBERT BROUSSARD, 16TH JUDICIAL DISTRICT COURT  
KEITH GEORGE, LEROY HENRY, JR.  
ALEXANDER LEYVA, CHAD PRADIA,  
AND TODD TRAHAN

DOCKET NO.

PARISH OF IBERIA

VERSUS

MULTI-CHEM GROUP, L.L.C., ET AL

STATE OF LOUISIANA

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ORDER

Considering the foregoing verified Petition for Damages, Request for Certification of Class Action, and Request for Order to Inspect Premises;

**IT IS ORDERED** that the Plaintiffs and/or their representatives be allowed to conduct air sampling activities and inspect the premises of MULTI-CHEM GROUP, L.L.C. located at 3401 West Admiral Doyle Drive, New Iberia, Louisiana.

THUS DONE AND SIGNED at New Iberia, Louisiana on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
DISTRICT JUDGE

RICKEY MERGIST, ROBERT BROUSSARD, 16TH JUDICIAL DISTRICT COURT  
KEITH GEORGE, LEROY HENRY, JR.  
ALEXANDER LEYVA, CHAD PRADIA,  
AND TODD TRAHAN

DOCKET NO.

PARISH OF IBERIA

VERSUS

MULTI-CHEM GROUP, L.L.C., ET AL STATE OF LOUISIANA

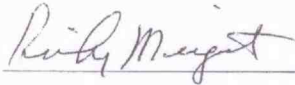
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AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within  
and for the State and Parish aforesaid, personally appeared,

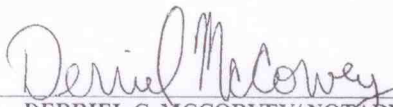
RICKEY MERGIST

Who, after being by me duly sworn, said that he has read the above-captioned Petition, and  
all of the allegations of fact contained therein are true and correct, to the best of his knowledge,  
information and belief.



RICKEY MERGIST

SWORN TO AND SUBSCRIBED TO BEFORE ME, in Lafayette, Louisiana, this 28<sup>th</sup>  
day of July, 2011.



DERRIEL C. MCCORVEY/ NOTARY # 058714  
ATTORNEY AT LAW AND NOTARY PUBLIC

RICKEY MERGIST, ROBERT BROUSSARD, 16TH JUDICIAL DISTRICT COURT  
KEITH GEORGE, LEROY HENRY, JR.  
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VERSUS

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MULTI-CHEM GROUP, L.L.C., ET AL STATE OF LOUISIANA

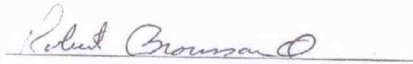
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AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within  
and for the State and Parish aforesaid, personally appeared,

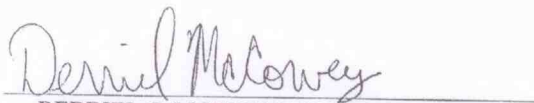
ROBERT BROUSSARD

Who, after being by me duly sworn, said that he has read the above-captioned Petition, and  
all of the allegations of fact contained therein are true and correct, to the best of his knowledge,  
information and belief.



ROBERT BROUSSARD

SWORN TO AND SUBSCRIBED TO BEFORE ME, in Lafayette, Louisiana, this 27  
day of July, 2011.

  
DERRIEL C. MCCORVEY/ NOTARY # 058714  
ATTORNEY AT LAW AND NOTARY PUBLIC

RICKEY MERGIST, ROBERT BROUSSARD, 16TH JUDICIAL DISTRICT COURT  
KEITH GEORGE, LEROY HENRY, JR.  
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AND TODD TRAHAN

DOCKET NO.

PARISH OF IDERIA

VERSUS

MULTI-CHEM GROUP, L.L.C., ET AL STATE OF LOUISIANA  
\*\*\*\*\*

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within  
and for the State and Parish aforesaid, personally appeared.

KEITH GEORGE

Who, after being by me duly sworn, said that he has read the above-captioned Petition, and  
all of the allegations of fact contained therein are true and correct, to the best of his knowledge,  
information and belief



KEITH GEORGE

SWORN TO AND SUBSCRIBED TO BEFORE ME, in Lafayette, Louisiana, this \_\_\_\_\_  
day of July 28, 2011.



DERRIEL C. MCCORVEY/ NOTARY # 058714  
ATTORNEY AT LAW AND NOTARY PUBLIC

RICKEY MERGIST, ROBERT BROUSSARD, 16TH JUDICIAL DISTRICT COURT  
KEITH GEORGE, LEROY HENRY, JR.  
ALEXANDER LEYVA, CHAD PRADIA,  
AND TODD TRAHAN

DOCKET NO.

VERSUS

PARISH OF IBERIA

MULTI-CHEM GROUP, L.L.C., ET AL

STATE OF LOUISIANA

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AFFIDAVIT

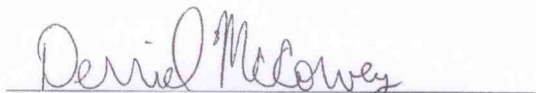
BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within  
and for the State and Parish aforesaid, personally appeared,

LEROY HENRY, JR.

Who, after being by me duly sworn, said that he has read the above-captioned Petition, and  
all of the allegations of fact contained therein are true and correct, to the best of his knowledge,  
information and belief.

  
LEROY HENRY, JR.

SWORN TO AND SUBSCRIBED TO BEFORE ME, in Lafayette, Louisiana, this 27<sup>th</sup>  
day of July, 2011.

  
DERRIEL C. MCCORVEY/NOTARY # 058714  
ATTORNEY AT LAW AND NOTARY PUBLIC

RICKEY MERGIST, ROBERT BROUSSARD, 16TH JUDICIAL DISTRICT COURT  
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MULTI-CHEM GROUP, L.L.C., ET AL STATE OF LOUISIANA

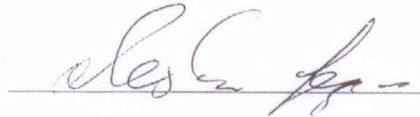
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AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within  
and for the State and Parish aforesaid, personally appeared,

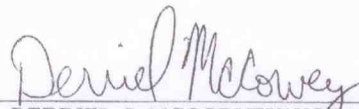
ALEXANDER LEYVA

Who, after being by me duly sworn, said that he has read the above-captioned Petition, and  
all of the allegations of fact contained therein are true and correct, to the best of his knowledge,  
information and belief.



ALEXANDER LEYVA

SWORN TO AND SUBSCRIBED TO BEFORE ME, in Lafayette, Louisiana, this 28th  
day of July, 2011.



DERRIEL C. MCCORVEY/NOTARY # 058714  
ATTORNEY AT LAW AND NOTARY PUBLIC

RICKEY MERGIST, ROBERT BROUSSARD, 16TH JUDICIAL DISTRICT COURT  
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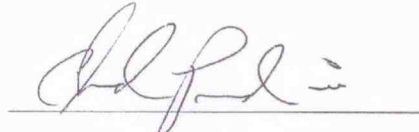
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AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within  
and for the State and Parish aforesaid, personally appeared,

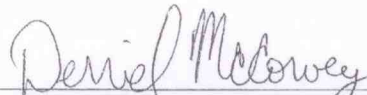
CHAD PRADIA

Who, after being by me duly sworn, said that he has read the above-captioned Petition, and  
all of the allegations of fact contained therein are true and correct, to the best of his knowledge,  
information and belief.



CHAD PRADIA

SWORN TO AND SUBSCRIBED TO BEFORE ME, in Lafayette, Louisiana, this 27<sup>th</sup>  
day of July, 2011.



DERRIEL C. MCCORVEY/NOTARY # 058714  
ATTORNEY AT LAW AND NOTARY PUBLIC

RICKEY MERGIST, ROBERT BROUSSARD, 16TH JUDICIAL DISTRICT COURT  
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MULTI-CHEM GROUP, L.L.C., ET AL STATE OF LOUISIANA

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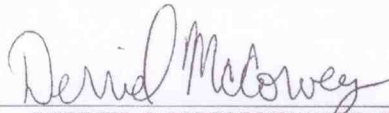
TODD TRAHAN

Who, after being by me duly sworn, said that he has read the above-captioned Petition, and  
all of the allegations of fact contained therein are true and correct, to the best of his knowledge,  
information and belief.



TODD TRAHAN

SWORN TO AND SUBSCRIBED TO BEFORE ME, in Lafayette, Louisiana, this 27<sup>th</sup>  
day of July, 2011.



DERRIEL C. MCCORVEY/ NOTARY # 058714  
ATTORNEY AT LAW AND NOTARY PUBLIC