

**FILED - KZ**

December 15, 2023 1:12 PM  
CLERK OF COURT  
U. S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: JMW SCANNED BY: 12-15

United States district Court  
for the Western District of Michigan  
Southern division

**1:23-cv-1309**  
**Paul L. Maloney**  
United States District Judge

Plaintiff -

Courtney Thomas |  
[REDACTED]  
[REDACTED]

V

Defendant -

United States of America;  
Environmental Protection Agency Region 5  
Director Debra Shore, In her Official capacity;  
Marta Fuoco, Individually and in her Official Capacity;  
Michael Compher, in his Official Capacity;  
Graphic Packaging Holding Co.;  
Graphic Packaging International; Tom Olstad,  
Individually and in his Official Capacity;  
Paul W. McCann, in his Official Capacity;

**COMPLAINT AND REQUEST FOR DAMAGES**

The action for violation of the United States Constitution and federal law against the named defendants for violation of the Clean Air Act and Michigan's Natural Resources and Environmental Protection Act. The plaintiff suffers from intentional discrimination acted out in violation of civil rights causing bodily harm, assault, emotional stress, due to the hazardous

waste and hazardous air pollution. Defendants are in violation of constitutional amendments 1, constitution amendments 5 and 14, 42 U.S.C. section 7412, title 6 of the Civil Rights Act of 1964, 42 U.S.C. section 1983, 42 U.S.C. section 1985(3) 40 C.F.R. section 63.4 MCL section 324.5512 M.C.R and violation of many other air control regulations.

The Plaintiff requested a jury trial and sought exemplary compensatory and fair relief pursuant to the U.S. Constitution and 42 U.S.C.A. section 1983.

### JURISDICTION

This court has jurisdiction over all causes of action in this complaint pursuant to 28 U.S.C. section 139 , as the plaintiff and defendants reside and operate in the Western District of Michigan and the incident itself took place in Kalamazoo, Mi, Kalamazoo county.

### CAUSE OF ACTION

1. Cause of action against the named defendants for violation of the Clean Air Act and Constitution laws, Plaintiffs assert that these violations of their unalienable constitutional rights were caused by the defendants repugnant, deliberate misconducts, neglect of duty, and indifference to definite injury to plaintiff.
2. Cause of action against the named defendants for violation of the Clean Air Act and Civil Rights Act of 42 U.S.C. section 1983 leaving plaintiff sick from the pollution in the air from Graphic Packaging .
3. Cause of action versus the named defendants for violations of the Clean Air Act releasing hazardous pollution into the air, resulting in mental anguish for the plaintiff's.
4. Cause of action against the defendants named in this complaint for violating the Clean Air Act and Civil Rights Act of 42 U.S.C. section 1983 when defendants continued to allow Graphic Packaging to pollute the air continuously for years after knowing the dangers it possessed on the local community.

5. Cause of action against the named defendants for violation of 42 U.S.C. ch. 85 (section 7401-7671q) for continuous assault on the quality of air in the local community affecting the plaintiff's physical health in a negative way for years.
6. Cause of action against the named defendants for violations of 42 U.S.C. ch 85 section 7401-7671q) for constantly polluting the air in the local community destroying the air quality surrounding Graphic packaging , causing anguish amongst the plaintiff's.

### Damages

Plaintiff requested damages for years of misuse of hazardous chemicals that lead to polluting the air in the Kalamazoo Michigan community. Plaintiffs seek the amount of 50,000 usd or the amount that pleases the court. Plaintiffs seek an amount that satifies mental anguish, physical health problems including cancers. Plaintiff request amount that covers decades of air pollution problems.

### Burden of Proof

The credible evidence rule clarifies EPA's existing authority under the CAA by allowing any credible data , such as continuous emissions monitoring data, parametric data, engineering analyses, witness testimony or other information, to be used as evidence to determine Graphic Packaging has violated the Clean Act. The standard of proof is based upon the preponderance of the evidence.

Plaintiff request formal conferences .

Plaintiff request deposition .

Plaintiff request settlement conferences.

Plaintiff request trial by jury.

Respectfully submitted by Plaintiff Courtney Thomas.

A handwritten signature in black ink, appearing to read 'CTTTS', written in a cursive style.

Dec. 15, 2023