

## **Highlights from “Defendant Whirlpool Corporation’s Memorandum In Support Of Its Motion To Dismiss Plaintiffs’ Second Amended Complaint”**

A lawsuit was originally filed against Whirlpool in May 2013 and an amended complaint was filed in August 2013. Whirlpool filed a motion to dismiss this complaint on August 26, 2013. The below excerpts provide the highlights of Whirlpool's memorandum in support of its motion to dismiss, which is available in its entirety at [WhirlpoolforClyde.com](http://WhirlpoolforClyde.com).

- “In short, Plaintiffs’ Complaint contains a broad collection of unrelated adult and childhood health claims that are unconnected to a list of miscellaneous substances allegedly present in the environment.”<sup>1</sup>
- “...the Complaint is fatally deficient and nothing more than a request to launch an enormous fishing expedition and an attempted end-run on the rigorous analyses applied by the governmental agencies that already have looked for and been unable to find the cause of the alleged increased childhood cancer rates.”<sup>2</sup>
- “... the Complaint ignores multiple federal, state, and local environmental and health agency reports and studies that have found there is no known environmental cause—much less a common source of exposure to any carcinogen—of the reported childhood cancer incidents in Sandusky County.”<sup>3</sup>
- “The Ohio EPA publicly stated that Clyde’s ambient air poses no human health risk, after having specifically tested for the volatile organic compounds (‘VOCs’) that Plaintiffs contend caused their injuries.”<sup>4</sup>
- “... ODH [Ohio Department of Health] concluded that ‘there is no evidence of significant environmental contamination in the Clyde area nor evidence of a ‘completed exposure pathway’ currently linking any cancer-causing chemicals in the environment with any of the individual or collective childhood cancer cases in the Clyde area.’”<sup>5</sup>

---

<sup>1</sup> “Defendant Whirlpool Corporation’s Memorandum In Support Of Its Motion To Dismiss Plaintiffs’ Second Amended Complaint,” Page 4.

<sup>2</sup> Page 4 - 5.

<sup>3</sup> Page 1.

<sup>4</sup> Page 3.

<sup>5</sup> Page 4.