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NOTICE

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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NOW COMES the Plaintiff, Charlie Hunter, a person of full age of majority domiciled and residing in Birmingham, Jefferson County, Alabama, by and through his attorneys, Grant & Eisenhofer and Poolson Oden, LLC, who complains and alleges against Defendant, Norfolk Southern Railway Company, as follows:

I.

INTRODUCTION

1. This action seeks to hold Defendant accountable for the serious and permanent injuries suffered by Plaintiff, Charlie Hunter, a Maintenance of Way Laborer and Foreman who spent forty (40) years maintaining and repairing Defendant's track, roadbed, structures, and right-of-way, where he was routinely exposed to diesel exhaust, benzene, polycyclic aromatic hydrocarbons, creosote from treated railroad ties and bridge timbers, silica dust from ballast, herbicides, pesticides, airborne heavy metals from rail cutting and repair, and other known carcinogens. Defendant's negligent and reckless disregard for the health of its employees has, in whole or in part Plaintiff, Charlie Hunter has been diagnosed with Lung Cancer, a devastating and life-altering disease that has caused and will continue to cause significant physical suffering, emotional distress, lost income, and diminished life expectancy.

II.

PARTIES

2. Plaintiff Charlie Hunter is a resident of Birmingham, Jefferson County, Alabama.

3. At all times material herein, the Defendant, Norfolk Southern Railway Company, a Virginia corporation authorized and registered to do business in the Commonwealth of Pennsylvania (PA Business Registration No. 2834324), was the owner of, and was operating various tracks and yards in the Commonwealth of Pennsylvania, including in Philadelphia County, and was and is engaged as a common carrier in interstate commerce throughout the Commonwealth of Pennsylvania and various states. Service of process may be had upon Norfolk Southern Railway Company by serving its Commercial Registered Office Provider: Information Network Associates at 5235 N Front St, Harrisburg, PA 17110.

4. Norfolk Southern Railway Company (“Norfolk Southern”) has been registered to do business in the Commonwealth of Pennsylvania since at least 1998. Its predecessor, the Pennsylvania Railroad, was organized under the laws of the Commonwealth and headquartered in Philadelphia. Norfolk Southern acquired the majority of Conrail’s former Pennsylvania Railroad trackage in 1999 through a subsidiary, Pennsylvania Lines LLC, which was subsequently absorbed into Norfolk Southern Railway Company in 2004. Harrisburg, Pennsylvania is one of Norfolk Southern’s three major operational hubs, alongside Chicago and Atlanta.

5. Norfolk Southern owns and operates thousands of miles of track within Pennsylvania, including the Pittsburgh Line, its primary east-west freight corridor, spanning 248 miles between Pittsburgh and Harrisburg, through which 50 to 70 trains travel daily. Norfolk Southern also operates the Harrisburg Line between Harrisburg and Philadelphia and maintains additional trackage throughout western, central, and eastern Pennsylvania.

6. Norfolk Southern owns and operates multiple major rail yards in Pennsylvania, including Conway Yard in Conway, Pennsylvania (near Pittsburgh), one of the largest classification yards in the eastern United States; Enola Yard in East Pennsboro Township (Harrisburg area), a classification yard encompassing over 300 acres with locomotive servicing facilities; and Altoona Yard in Altoona, Pennsylvania.

7. Norfolk Southern operates the Juniata Locomotive Shop in Altoona, Pennsylvania, one of the largest locomotive repair facilities in the railroad industry. Norfolk Southern also operates the Enola Locomotive Shop in Enola, Pennsylvania, where mechanics, electricians, sheet metal workers, and others maintain and repair Norfolk Southern’s fleet of diesel locomotives.

8. Norfolk Southern owns and operates multiple intermodal terminals in Pennsylvania, including the Harrisburg Intermodal Yard (formerly the Lucknow Yard, originally

built by the Pennsylvania Railroad), the Rutherford Intermodal Terminal in south-central Pennsylvania, and the Franklin County Regional Intermodal Facility in Greencastle, Pennsylvania, a \$97 million terminal opened in 2013 as part of Norfolk Southern's Crescent Corridor initiative.

9. Norfolk Southern employs Pennsylvania residents across its yards, shops, intermodal terminals, and mainline operations in the Commonwealth, including engineers, conductors, maintenance-of-way workers, locomotive mechanics, electricians, carmen, signal maintainers, and administrative and management personnel.

10. Norfolk Southern hosts Amtrak's Pennsylvanian passenger service on the Pittsburgh Line, with stops at Harrisburg, Lewistown, Huntingdon, Tyrone, Altoona, Johnstown, Latrobe, Greensburg, and Pittsburgh. The Commonwealth of Pennsylvania provides subsidies to support this service.

11. The Commonwealth of Pennsylvania has invested tens of millions of dollars in Norfolk Southern's Pennsylvania infrastructure, including \$45 million toward the Franklin County intermodal facility, \$30 million toward expanded operations at the Harrisburg and Rutherford intermodal terminals, and participation in a \$15 million USDOT TIGER grant supporting the Rutherford expansion.

12. Norfolk Southern, jointly with CSX, owns Conrail, which operates Conrail Shared Assets Operations providing local freight service in the Philadelphia metropolitan area and southern New Jersey, including operations at yards in Port Richmond, South Philadelphia, Frankford Junction, Morrisville, and Stoney Creek within Pennsylvania.

13. Norfolk Southern's predecessor railroads, including the Pennsylvania Railroad, Norfolk and Western Railway, and Southern Railway, maintained extensive operations, facilities,

and employment throughout the Commonwealth for over a century before Norfolk Southern was formed in 1982.

14. Norfolk Southern operates freight rail lines within Philadelphia County, including the Harrisburg Line running between Harrisburg and Philadelphia. Norfolk Southern, jointly with CSX through Conrail Shared Assets Operations, operates rail yards and provides local freight service within Philadelphia County, including at Port Richmond and South Philadelphia. Norfolk Southern also operates an intermodal facility at Mustin Field in South Philadelphia. Norfolk Southern's predecessor, the Pennsylvania Railroad, was headquartered in Philadelphia and maintained its principal offices, yards, and shop facilities within the city for over a century.

15. Norfolk Southern Railway Company is hereinafter referred to as "Defendant."

III.

JURISDICTION AND VENUE

16. At all relevant times herein mentioned, Plaintiff was employed as a Maintenance of Way Laborer and Foreman by Defendant in interstate commerce within the meaning of the Federal Employers' Liability Act. Plaintiff was diagnosed with an occupationally related cancer.

17. At all times relevant hereto, Defendant was engaged in interstate commerce in and throughout several states of the United States as a common carrier by rail and for the purposes hereof did operate locomotives, railroad cars and repair facilities, and transacted substantial business throughout the various states of the United States, including Pennsylvania, Louisiana, Georgia, Tennessee, Alabama and Mississippi.

18. This is an action arising under the provisions of the Federal Employers' Liability Act, 45 U.S.C. § 51 *et seq.*, commonly referred to as FELA, to recover damages for personal injuries sustained by the Plaintiff in the line of duty while he was employed as a Maintenance of

Way Laborer and Foreman by the Defendant, Norfolk Southern, and while engaged in interstate commerce.

19. This case is non-removable as it arises under the FELA. 28 U.S.C. Section 1445 limits the right to remove certain types of actions and states that:

A Civil Action in any state against a railroad or its receivers or trustees, arising under Sections 51-60 of Title 45, may not be removed to any district court of the United States.

If a railroad worker chooses to bring a FELA claim in state court, § 1445(a) protects the Plaintiff's right to bring the action there and prevents removal to the federal district court by the railroad. *Burnett v. New York Central R.*, 380 U.S. 424, 434, 85 S.Ct. 1050, 1057–58, 13 L.Ed. 941 (1965). *See also Evans v. Missouri Pacific R.*, 795 F.2d 57, 58–9 (8th Cir. 1986) and *Albarado v. Southern Pacific Transp. Co.*, 199 F.3d 762 (5th Cir.(La.) Dec 29, 1999). A FELA claim, if filed originally in state court, may not be removed unless it is joined with separate and independent claims. 28 U.S.C. § 1441(c).

20. The jurisdiction of this Court derives from the Federal Employers' Liability Act, Title 45, U.S.C., § 51, *et seq.*

21. Defendant is subject to the general personal jurisdiction of this Court. Defendant is a foreign corporation registered to do business in the Commonwealth of Pennsylvania and has thereby consented to the general jurisdiction of Pennsylvania's courts pursuant to 42 Pa.C.S. § 5301(a)(2)(i), as confirmed by the Supreme Court of the United States in *Mallory v. Norfolk Southern Railway Co.*, 600 U.S. 122 (2023). In addition, Defendant carries on a continuous and systematic part of its general railroad business within Pennsylvania, including within Philadelphia County, satisfying 42 Pa.C.S. § 5301(a)(2)(iii). Accordingly, under 42 Pa.C.S. § 5301(b), any cause of action may be asserted against Defendant whether or not arising from acts in

Pennsylvania. In all events, and to the extent necessary, Defendant is also subject to the personal jurisdiction of this Court to the fullest extent permitted by the Due Process Clause because it has purposefully availed itself of the privilege of conducting substantial railroad business within Pennsylvania and the exercise of jurisdiction over it in this action comports with traditional notions of fair play and substantial justice.

22. Venue in this Court is proper under Pa.R.C.P. No. 2179(a)(2) because Philadelphia County is a county in which Defendant regularly conducts business, including by owning, operating, and maintaining freight rail lines, rail yards, and intermodal facilities, and by providing ongoing rail transportation, switching, and terminal services to customers in Philadelphia County.

IV.

FACTUAL ALLEGATIONS

23. Defendant is liable unto Plaintiff for all the damages he sustained because of the negligence, carelessness, and/or recklessness that Defendant committed, as well as all general and equitable relief, together with legal interest thereon from the date of judgment until paid, and for all costs of these proceedings for the following reasons, to-wit:

24. Plaintiff worked for Defendant from approximately 1972 until 2012 as a Laborer and Foreman throughout Louisiana, Georgia, Tennessee, Alabama and Mississippi in Defendant's Maintenance of Way Department

25. As part of his employment with Defendant, Plaintiff worked at New Orleans, Louisiana; Atlanta, Georgia; Morristown, Tennessee; Pell City, Alabama; Birmingham, Alabama; Meridian, Mississippi, among other locations.

26. During the course and in the scope of his employment with Defendant, Plaintiff was engaged in the furtherance of interstate commerce within the meaning of FELA.

27. Defendant, at all times relevant to this Complaint, conducted substantial business within Pennsylvania. Defendant owned, managed, maintained, used and conducted substantial operations at multiple major facilities and offices, all located within Pennsylvania, including the operation of regularly scheduled trains arriving at and departing from its multiple facilities in Pennsylvania. Defendant derived substantial revenue from operations within Pennsylvania and continues these operations to this day.

28. At all relevant times, Plaintiff was an employee of Defendant and worked as a member of the Maintenance of Way Department as a Laborer and Foreman.

29. As part of the Maintenance of Way Department, Plaintiff's daily work required him to be regularly and routinely exposed to various toxic substances and carcinogens known to cause cancer including but not limited to diesel (fuel, exhaust, fumes, smoke, exhaust soot); benzene; polycyclic aromatic hydrocarbons ("PAHs"); pesticides and herbicides; airborne heavy metals including manganese and lead; silica dust; creosote; cleaning solvents; trichloroethylene ("TCE") and perchloroethylene ("PCE").

30. As a member of the Maintenance of Way Department, Plaintiff performed maintenance, repair, and construction work on railroad track, roadbed, bridges, and structures along Defendant's right-of-way and at rail yards.

31. During the course and scope of Plaintiff's employment during his career with Defendant and while working along its right of ways, track, roadbed, bridges, and structures, Plaintiff was, on a daily basis throughout his career, regularly and routinely exposed to various toxic substances and carcinogens known to cause cancer.

32. In the course of his employment with Defendant, Plaintiff was exposed to diesel (fuel, exhaust, fumes, smoke, soot), including benzene and PAHs by inhalation and/or skin

absorption because he would work in close proximity to running and idling locomotives and other diesel-powered machinery, during which time he was exposed to the fumes and its constituents.

33. During his employment with Defendant, Plaintiff's daily work required him to work in and around creosote treated railroad ties on a routine basis.

34. As part of his duties for Defendant, Plaintiff's daily work required him to work with and/or around ballast rock, which generated silica dust when disturbed, exposing him by inhalation to silica dust on a routine basis.

35. While employed by Defendant, Plaintiff was exposed to pesticides and herbicides by inhalation and/or skin absorption because he was required to work in areas where Defendant had sprayed pesticides and herbicides and/or because he was required to spray those pesticides and herbicides for Defendant.

36. In performing his job duties for Defendant, Plaintiff was exposed to airborne heavy metals, including manganese and lead, by inhalation and/or skin absorption because he would repair rail and cut rail and/or work in close proximity to such tasks which exposed him to the fumes and particulates produced from such tasks.

37. In the course of his employment with Defendant, Plaintiff's work required him to work on and repair tracks that were on or near land contaminated with TCE and PCE, exposing him by inhalation and/or skin absorption to TCE and PCE on a routine basis.

38. Plaintiff's exposure to the above referenced toxic substances, which are known cancer causing agents, steadily over a course of many years caused, in whole or in part, his development of cancer.

39. Plaintiff's exposure to the toxic substances occurred regularly and routinely, on a daily basis, by touch, inhalation and/or consumption at all of the locations Plaintiff worked and performed his regular, routine job duties for Defendant.

40. Plaintiff's exposure to the toxic substances was cumulative and occurred at different and variable exposure levels over the course of his career for Defendant, depending on the variable workload of a given day on the job.

41. The toxic substances are known cancer-causing agents based on peer-reviewed literature, OSHA and IARC publications, and other treatises and scientific studies.

42. At no time did Defendant notify the Plaintiff about the toxic substances which Defendant exposed him to, nor did Defendant give any warning, protection, or safety equipment to guard against the hazardous exposures mandated by Defendant. Plaintiff was never provided with respiratory protection, dust masks, or respirators.

43. At all times pertinent hereto, Defendant knew and specifically possessed medical and scientific data and other knowledge that clearly demonstrated that exposure to the toxic substances to which Plaintiff was exposed was hazardous to his health and safety. Defendant had specific prior knowledge that there was a high risk of injury or death attributable to exposure to said toxic substances, including the development of lung cancer. This knowledge was obtained, in part from scientific studies and medical data to which Defendant had access, possession and knowledge through their management, claims officials, and/or medical department.

44. Before and during Plaintiff's employment with Defendant, Defendant should have known that Plaintiff's exposure to the toxic substances could foreseeably lead to cancer, including the subject cancer, because studies, proceedings and literature took place and/or existed regarding the same during and/or before Plaintiff's employment, such as, for instance, and without limitation,

proceedings of the Association of American Railways in the 1950s and 1960s; and studies done by epidemiologists in North America and Europe focusing on workers in occupational environments similar to Plaintiff's, including as long ago as 1895 and up through Plaintiff's employment.

V.

COUNT I: NEGLIGENCE UNDER THE FEDERAL EMPLOYERS' LIABILITY ACT

(FELA)

45. Plaintiff incorporates all prior paragraphs as if fully set forth herein.

46. At all times relevant herein, Defendant was a common carrier by railroad, owning, operating, and maintaining in interstate commerce, a railway system involving railroad tracks and facilities located in multiple States including Pennsylvania, Louisiana, Georgia, Tennessee, Alabama, and Mississippi.

47. At all relevant times, Plaintiff was an employee of Defendant, was in the course and scope of employment and was employed by Defendant to further Defendant's above-described activities of commerce between any of the several states or territories by railroad.

48. It was the duty of Defendant, as Plaintiff's employer, at all times relevant to this Complaint, to use ordinary care to provide Plaintiff with a reasonably safe place in which to do his work.

49. As part of that duty to provide a reasonably safe place in which to do work, Defendant, as Plaintiff's employer, at all times relevant to this Complaint, were required to measure the concentrations of the toxic substances released into Plaintiff's work area.

50. As part of that duty to provide a reasonably safe place in which to work, Defendant, as Plaintiff's employer, at all times relevant to this Complaint, were required to provide adequate warnings of the dangers of the toxic substances.

51. As part of that duty to provide a reasonably safe place in which to do work, Defendant, as Plaintiff's employer, at all times relevant to this Complaint, were required to keep abreast of scientific and medical research evidence concerning the hazards of the toxic substances.

52. As part of that duty to provide a reasonably safe place in which to work, Defendant, as Plaintiff's employer, at all times relevant to this Complaint, were required to provide hazard control.

53. "Hazard control" as used in the preceding paragraph includes the use of engineering controls.

54. "Hazard control" as used above includes the use of administrative controls.

55. "Hazard control" as used above includes the use of personal protective equipment, including requiring the use of respirators.

56. During Plaintiff's employment, Defendant breached said duty in at least one or more of the following ways:

- A. Failure to use ordinary care and caution to provide Plaintiff with a reasonably safe place in which to work as required by the FELA;
- B. Failure to warn Plaintiff of the risk of contracting cancer or other diseases as a result of exposure to the toxic substances;
- C. Failure to reasonably test railroad facilities, equipment, yards, buildings, locomotives, freight cars, tracks, and right of ways for the presence of the toxic substances;

- D. Failure to reasonably engage in follow-up monitoring of its facilities, equipment, yards, buildings, locomotives, freight cars, tracks, and right of ways for the presence of the toxic substances;
- E. Failure to properly reduce to safe levels or remove known toxic materials and carcinogens from its facilities, equipment, yards, buildings, locomotives, freight cars, tracks, and right of ways;
- F. Failure to take reasonably effective action to reduce, modify or eliminate certain job duties, equipment or practices so as to minimize or eliminate Plaintiff's exposure to the toxic substances;
- G. Failure to periodically reasonably test employees such as Plaintiff for physical effects of exposure to the toxic substances and failing to take appropriate action, including advising Plaintiff as to the test results;
- H. Failure to institute and maintain any type of medical monitoring program for the benefit of Plaintiff in determining his well-being after the aforesaid exposures and for the purpose of early detection of cancer and other life-threatening illnesses;
- I. Commencing and continuation of operations which were under its control and supervision when it knew or should have known that such operations would cause Plaintiff to be exposed to hazardous and carcinogenic chemical products and/or toxic substances without reasonably safe protection;
- J. Concealing the hazardous nature of the toxic substances from Plaintiff;
- K. Failure to inform and warn Plaintiff of dangers associated with exposure to the toxic substances;

- L. Failure to make reasonable efforts to inspect or monitor the levels/amounts of exposure, of Plaintiff, to the toxic substances;
- M. Failed to keep abreast of scientific and medical research evidence concerning the hazards of the toxic substances;
- N. Failed to consult scientific and medical research evidence concerning the hazards of the toxic substances;
- O. Allowing unsafe practices to become standard practice;
- P. Failing to limit access to areas where these harmful materials were being used;
- Q. Failing to institute and/or enforce safety procedures and plans for adequate protection of Plaintiff;
- R. Failing to provide Plaintiff with safe and proper ventilation systems in the railroad facilities where he was required to work;
- S. Failing to provide Plaintiff with respiratory protection, dust masks, or respirators;
- T. Failing in additional ways, as will be revealed during discovery; and
- U. Any and all other acts of negligence which may be shown at a trial on the merits.

57. The aforesaid occurrences were caused in whole or in part by the negligence of Defendant and/or the negligence of Defendant' agents, servants and/or employees.

58. It was the duty of Defendant, as Plaintiff's employer, at all times relevant to this Complaint, to use ordinary care to provide Plaintiff with reasonably safe and suitable tools, machinery, and appliances with which to do his work.

59. Using ordinary or reasonable care to furnish those tools which are reasonably safe and suitable included at least requiring Plaintiff to wear a respirator mask.

60. Using ordinary or reasonable care to furnish those tools which are reasonably safe and suitable included at least the monitoring of equipment emissions of any of the toxic substances, which includes reasonably upgrading equipment, either in whole or in part, so as to implement technology that reduced equipment emissions of any of the toxic substances.

61. During Plaintiff's employment, Defendant breached said duty in at least one or more of the following ways:

- A. Failure to provide adequate ventilation systems for diesel exhaust where Plaintiff regularly worked;
- B. Failure to provide Plaintiff with knowledge as to what would be reasonably safe and sufficient apparel and proper protective equipment to protect him from being poisoned and injured by exposure to the toxic substances; and
- C. Failure to provide Plaintiff with protective equipment designed to protect him from exposure to the toxic substances.

62. As a direct result of one or more of the foregoing negligent acts of Defendant, its employees, agents and servants, Plaintiff was exposed to toxic substances over the course of his career, which caused, in whole or in part, Plaintiff's development of lung cancer.

63. As a result, in whole or in part, of the foregoing negligence of Defendant, its employees, agents and servants, in violation of the FELA, Plaintiff, Charlie Hunter, suffered personal injury, great pain, extreme anxiety; knowledge that his injuries and disability are permanent and life threatening; diminished enjoyment of life; and diminished anticipated life expectancy.

64. Plaintiff's lung cancer has resulted in severe and permanent injury to Plaintiff, including physical pain and suffering, mental and emotional distress, fear of death, permanent disability, shortened life expectancy, and loss of enjoyment of life.

65. As a result, in whole or in part, of the negligence of Defendant, Plaintiff will lose future pension benefits due to his reduced life expectancy.

66. Plaintiff seeks all damages recoverable under the FELA.

67. Plaintiff demands all damages reasonable in the premises and specifically itemizes the following damages for which he seeks recovery:

- A. Physical Pain and Suffering, Past and Future;
- B. Mental Pain and Suffering, Past and Future;
- C. Loss of Future Fringe Benefits;
- D. Permanent Disability;
- E. Loss of Enjoyment of Life; and
- F. All other economic and non-economic damages.

68. Specifically, Plaintiff experienced and endured and, in the future, will experience and endure: pain and suffering, inconvenience, irritation, annoyance; emotional distress; medical expenses associated with diagnosis and treatment; disability, loss of normal life, increased susceptibility to injury, shortened life expectancy, and caretaking expenses, in addition to other injuries and expenses that would otherwise not have been necessary absent Defendant's negligence.

69. Plaintiff suffers from a constant fear of death because of his cancer.

70. Within three years of the filing of this Complaint, Plaintiff learned that his cancer was caused, at least in part, by the negligence of the Defendant.

71. Plaintiff reserves the right to supplement and amend this Complaint, as additional facts become known to him.

72. Plaintiff is entitled to and demands a trial by jury.

WHEREFORE, Plaintiff, Charlie Hunter prays for a jury trial of the foregoing action, and for judgment against Defendant, Norfolk Southern Railway Company, for special damages and general damages, together with his costs herein expended, in an amount to be determined at trial.

Dated: July 15, 2026

Respectfully submitted,

/s/ Adam J. Gomez

GRANT & EISENHOFER P.A.

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M. Elizabeth Graham

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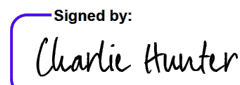
VERIFICATION

I, Charlie Hunter, Plaintiff, verify that the facts set forth in the foregoing are true and correct to the best of my information, knowledge and belief.

I understand that the statements contained herein are subject to the Penalties of 18 Pa.C.S.A., Section 4904 relating to unsworn falsification to authorities.

Charlie Hunter

(Print Name)

Signed by:

01CF8008AAEA41C...

(Signature)

Date: 7/15/2026
