

IN THE SUPERIOR COURT OF ROCKDALE COUNTY  
STATE OF GEORGIA

PHILLIP HULLUM, LORI HULLUM, )  
MARCUS BOSS, MAKAYLA )  
ARRINGTON, and THOMAS BROWN )  
individually and on )  
behalf of all others similarly situated, )

Plaintiffs, )

vs. )

BIO-LAB, INC., KIK INTERNATIONAL, )  
LLC, KIK U.S. HOLDINGS, LLC, and )  
KIK CUSTOM PRODUCTS INC., )

Defendants. )

Case No. 2024-CV-2330

**AMENDMENT OF  
CLASS ACTION COMPLAINT**

**AMENDMENT OF CLASS ACTION COMPLAINT FOR DAMAGES AND  
DECLARATORY AND INJUNCTIVE RELIEF**

COME NOW the Plaintiffs, Phillip Hullum, Lori Hullum, Marcus Boss, Makayla Arrington, and Thomas Brown, individually and on behalf of all others similarly situated, by and through their attorneys, to amend their Class Action Complaint filed on September 30, 2024. The Class Action Complaint is amended by the Plaintiffs pursuant to O.C.G.A. § 9-11-15 as follows.

1. The following paragraph is added as the Introduction to this Class Action Complaint:

**Introduction**

There is no Federal jurisdiction in this case. Plaintiffs disclaim any federal statutory cause of action. All claims asserted in the Class Action Complaint as amended arise under state law. The class definition contains only citizens of Rockdale County, Georgia, and the Defendants are citizens of the State of Georgia. Specifically, greater than two-thirds of the members of the proposed Class are citizens of the State of Georgia, where this action is

filed, and at least one Defendant is a Defendant (1) from whom significant relief is sought by members of the proposed Class; (2) whose alleged conduct forms a significant basis for the claims asserted by the Plaintiffs for themselves and the proposed Class; and (3) who is a citizen of the State of Georgia. Principal injuries resulting from the alleged conduct or any related conduct of each Defendant were incurred in the State of Georgia, and no other class action was filed asserting the same or similar factual allegations against any of the Defendants on behalf of the same or other persons in the three years preceding the filing of this Class Action Complaint. Alternatively, or additionally, more than two-thirds of the proposed Class, and the primary Defendants, are citizens of the State of Georgia.

2. Paragraph No. 6 of this Class Action Complaint is revised and replaced by this paragraph:

Defendant Bio-Lab, Inc. (“Bio-Lab”) is wholly owned by Defendant KIK International LLC (“International”), which is a citizen of the State of Georgia. *See Acosta v. Walmart, Inc., et al.*, No. 1:23-cv-01101-ADA-HBK, Defendant KIK International LLC’s Notice of Removal, Dkt. 1 at 2 ¶ 10 (U.S.D.C. E.D. Cal., July 21, 2023) (“KIK is a citizen of Delaware *and Georgia*, not California. *See* 28 U.S.C. § 1332(c)(1).” (emphasis added)). Bio-Lab markets itself as a division of Defendant KIK Custom Products Inc. (“KCPI”), which is a citizen of the State of Georgia. The claims asserted herein arise from a catastrophic aerial chlorine and combustion plume produced at and released from the Defendants’ facility located at 1739 Dogwood Drive in the City of Conyers, Rockdale County, Georgia. That facility and its equipment and contents are owned, operated, or controlled by International and KCPI directly and through their wholly owned division

Bio-Lab. Employees at that facility, including temporary or contract employees, are hired, trained, and directed by International. *See Cochran V. Bio-Lab, Inc., et al.*, No. 1:23-cv-2229, Dkts. 1, 9, 32-33 (U.S.D.C. N.D. Ga.) (substituting KIK International LLC for Bio-Lab, Inc. d/b/a KIK Consumer Products in workplace discrimination case at "Defendant Bio-Lab's plant located at 1700 Covington Highway, Conyers, GA 30012"). Bio-Lab is subject to the jurisdiction of this Court, and venue is proper in this County and Court. Bio-Lab may be served via its registered agent: C T Corporation System, 289 S. Culver St., Lawrenceville, Georgia 30046.

3. Paragraph No. 20 of this Class Action Complaint is revised and replaced by this paragraph:

This is the definition of the class the Plaintiffs seek to represent: All citizens of Rockdale County, Georgia who were impacted by the incident that occurred at the Bio-Lab facility beginning on September 29, 2024 and continuing thereafter, including but not limited to: those who evacuated, sheltered in place, incurred expense as a result of the incident, lost income, were inconvenienced, or who were otherwise impacted by the incident. Excluded from the Class are citizens of Rockdale County, Georgia who suffered personal injuries as a result of the incident.

Submitted this date of October 14, 2024, by:

/s/ W. Lewis Garrison, Jr.

/s/ Taylor C. Bartlett

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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury for all issues so triable.

By: /s/ Taylor C. Bartlett

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