

IN THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

COURT OF COMMON PLEAS
FOR THE CITY AND COUNTY OF PHILADELPHIA

MILDENBERG LAW FIRM, P.C.

BY: Brian R. Mildenberg, Esquire

Identification No. 84861

1735 Market Street, Suite 3750

Philadelphia, PA 19103

(215) 545-4870

brian@mildenberglaw.com

Counsel for Plaintiffs

SMITH, et al.,

Plaintiffs,

v.

AMERICAN AIRLINES, INC., et
al.,

Defendants.

COMPLAINT AND NOTICE TO DEFEND

September TERM, 2015

No. _____

JURY TRIAL DEMANDED

COMPLAINT- EXHIBIT A

PHOTO APPENDIX



Fig. 1 – American Airlines directs its Lavatory Service employees to use Deer Park/Nestle 5 gallon jugs for filling with toxic chemical to be put in airplane toilet. The chemical is supposed to be pumped into the plane from the Lavatory Truck to an intake valve on the bottom of the plane. Because many planes have broken intake mechanisms, which have not been repaired in five (5) years, workers are required to fill Deer Park/Nestle bottles with the chemical, and then to walk them up the steps of the airplane (4 times- one for each toilet on the plane) to dump the chemicals into the toilets. When this task is done, and because the bottles are contraband on the tarmac, American Airlines managers ensure the bottles are put back into break rooms to be picked up with other empties by Deer Park/Nestle.



Fig. 2 – American Airlines subscribes to Deer Park/Nestle water service throughout the airport. Managers wrongly procure empty bottles from break rooms like this one. The empties are there to be picked up by Deer Park. The empties are taken over the course of the day for illegal, toxic toilet servicing practices.



Fig. 3 – An empty Deer Park jug wrongfully taken from a break room at the airport is filled with toxic toilet chemical containing a 6% solution of Bronopol, which is toxic for human consumption, and poisonous to aquatic life. The hose in use is supposed to be attached to the bottom of the plane, and the chemicals are supposed to be filled through a valve on the bottom of the plane, but the valve has been broken for 5 years, and American Airlines has come up with the Deer Park scam to avoid repairing the broken airline parts.



Fig. 4 – Empties carried around in a lavatory truck next to a bottle of poisonous chemical to be used for pouring into the airplane toilets. Not all Lavatory Trucks have compartments like this one. On those trucks lacking compartments, the bottles are carried on the back of the truck. See, e.g., Fig. 9a and 9b, *below*.



Fig. 5 – Once the Deer Park bottles are filled with toxic chemical solution, the workers are forced to carry the full, heavy, five gallon jugs up the stairs of the airplane, and then empty the chemicals by hand into the toilet by placing the Deer Park/Nestle bottles directly into the toilet on the plane. This practice is called “top-filling” and is done because American Airlines has not repaired the valve below the plane where the chemical is supposed to be pumped in by hose from the Lavatory Truck.



Fig. 6 – Because the Deer Park bottles are not supposed to be out on the Tarmac, and because the bottles are not allowed to be used for poison chemicals, the use of the bottles is an unauthorized, “hush-hush” practice. When the work is done, American Airlines managers ensure the poisoned bottles are returned to the break room areas, and other places in the airport where Deer Park maintains water delivery and bottle pick up service. The poisoned water bottles are returned and picked up by an unsuspecting Deer Park truck driver. This practice has continued for five years, and approximately 15,000 poisoned bottles. This is all because American has not repaired the chemical intake valve on the bottom of the planes, but instead has come up with an oppressive and poisonous system to save costs: use another company’s product for free, and don’t repair the airplane parts. These bottles are picked up by Deer Park, and could wind up in homes, Doctor’s offices, schools, courtrooms, and anywhere else that subscribes to returnable water service, all courtesy of American Airlines’ five year Lavatory Service Deer Park Bottle Fraud.



Fig. 7 – The chemical at issue. This mixture contains 6% 2-Bromo-2-NitroPropane 1,3-diol, also known as Bronopol. It is toxic for human consumption, irritates the skin and respiratory system, is deadly to aquatic life, and breaks down into formaldehyde. For years, American Airlines has been placing this chemical in Deer Park/Nestle water jugs and then returning the jugs to Deer Park/Nestle as empties. This helps American avoid repairing the broken chemical intake mechanism on the bottom of their planes, which are flown with the broken part. Conveniently, American does not have to purchase buckets for this job; no, they have found an ingenious way to simply take the property of Deer Park/Nestle and poison it for free. The bottles are then returned to Deer Park/Nestle, courtesy of American Airlines.



Fig. 8 – A toxic cocktail: poison chemicals in brand new Deer Park bottles, which bottles will be returned to the Deer Park/Nestle water system, courtesy of American Airlines.



Fig. 9a



Fig 9b

Fig. 9a and 9b – Deer Park bottles in use on the ramp, on Lavatory Trucks, on September 21, 2015, the day this lawsuit is filed. The toxic practice continues.



Fig. 10 – A poisoned empty Deer Park/Nestle bottle, sitting in the American Airlines baggage work area on September 20, 2015, waiting to be picked up by Deer Park. Inside the bottle is toilet chemical. The debris on the outside of the container is solid fecal matter particulate from the Lavatory Truck. This debris has no place in the work area, and is easily tracked into the airport, airplane catering service area, and to public areas.

Respectfully submitted,

MILDENBERG LAW FIRM, P.C.

/s/ Brian R. Mildenberg

BY: Brian R. Mildenberg, Esquire

Identification No. 84861

1735 Market Street, Suite 3750

Philadelphia, PA 19103

(215) 545-4870

brian@mildenberglaw.com

Counsel for Plaintiffs

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