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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SACRAMENTO  
CIVIL UNLIMITED

SHELBY SCOVILL and KODY  
MAYNARD, Individually and On Behalf of  
All Others Similarly Situated,

Plaintiffs,

vs.

SIEMENS MOBILITY, INC.; and DOES 1  
through 100, inclusive,

Defendants.

Case No.: **25CV004580**

**CLASS ACTION COMPLAINT FOR  
DAMAGES [C.C.P. § 382]**

1. Negligence

AMOUNT EXCEEDS \$75,000

**JURY TRIAL DEMANDED**

1 **INTRODUCTION**

2 Plaintiffs Shelby Scovill and Kody Maynard (“Plaintiffs”), on behalf of themselves and  
3 all others similarly situated, brings this class action against Defendant Siemens Mobility, Inc., as  
4 well as DOES 1 through 100, (collectively “Defendants”) and allege, upon information and belief,  
5 except as to their own actions, the investigation of counsel, and the facts that are a matter of public  
6 record, as follows:

7 1. Plaintiffs bring this action for damages and other relief, individually and on behalf of the  
8 proposed class defined below (“Class”), against Defendants, which, Plaintiffs contend, negligently  
9 and/or knowingly caused Plaintiffs and members of the Class to perform work on a jobsite where  
10 they were exposed to unsafe levels of toxic fumes in the work environment. Plaintiffs further  
11 contend that Defendants took actions that obfuscated level of exposure in the work environment,  
12 and provided workers with Personal Protective Equipment (PPE) that was ineffective at filtering  
13 out the toxic fumes.

14 **JURISDICTION AND VENUE**

15 2. Plaintiffs bring this class action pursuant to Section 382 of the California Code of Civil  
16 Procedure.

17 3. Venue is proper in this Court because, inter alia, the location where the injuries to Plaintiffs  
18 and the Class occurred took place in the County of Sacramento, and many of the acts complained  
19 of herein occurred in this judicial district.

20 **PARTIES**

21 4. Plaintiff SHELBY SCOVILL is a resident of Sacramento County, California, and  
22 performed work as welder for Siemens Mobility, Inc. at its factory in Sacramento.

23 5. Plaintiff KODY MAYNARD is a resident of Sacramento County, California, and  
24 performed work as welder for Siemens Mobility, Inc. at its factory in Sacramento.

25 6. Defendant SIEMENS MOBILITY, INC. is a Delaware corporation with its principal place  
26 of business located at One Penn Plaza, Suite 1100, New York, NY. Siemens Mobility, Inc. has a  
27 factory in Sacramento, at which Plaintiffs and members of the proposed class worked.

28 7. The true names and capacities of DOES 1 through 100, inclusive, are unknown to Plaintiffs,

1 who sue such Defendants by use of such fictitious names. Plaintiffs will amend this complaint to  
2 add the true names when they are ascertained. Plaintiffs are informed and believe and thereon allege  
3 that each of the fictitiously named Defendants is legally responsible for the occurrences herein  
4 alleged, and that Plaintiffs' damages as herein alleged were proximately caused by their conduct.

5 8. Whenever reference is made in this complaint to any act of any corporate or other business  
6 Defendants, such allegation shall mean that such corporation or other business did the acts alleged  
7 in the complaint through its officers, directors, employers, agents, or representatives while they  
8 were acting within the actual or ostensible scope of their authority

9 9. On information and belief, at all times herein mentioned, each Defendant was the agent,  
10 partner, joint venturer, representative, or employee of the remaining Defendants, and was acting  
11 within the course and scope of such agency, partnership, joint venture, or employment.  
12 Furthermore, in engaging in the conduct described below, the Defendants were all acting with the  
13 express or implied knowledge, consent, authorization, approval, or ratification of their co-  
14 Defendants.

### 15 CLASS ACTION ALLEGATIONS

16 10. Plaintiffs bring this action as a class action pursuant to Section 382 of the Code of Civil  
17 Procedure on behalf of themselves and the following Class:

18 All persons who worked at the Siemens Mobility, Inc. factory in Sacramento,  
19 California, between February 24, 2022 and the present and were exposed to Cr(VI)  
fumes.

20 Plaintiffs reserve the right to amend this Class definition if discovery or further investigation  
21 demonstrate that the Class should be expanded or otherwise modified.

22 11. **Numerosity of the Class.** The members of the Class are so numerous that joinder of all  
23 members would be impracticable. The precise number of members of the Class and their addresses  
24 are presently unknown to Plaintiffs. The precise number of persons in the Class and their identities  
25 and addresses may be ascertained from Defendants' records. If deemed necessary by the Court,  
26 members of the Class may be notified of the pendency of this action by mail and supplemented by  
27 published notice.

28 12. **Existence of Predominance of Common Questions of Fact and Law.** There are questions

1 of law and fact common to the members of the Class that predominate over any questions affecting  
2 only individual members, including:

- 3 a. Whether Defendants knew or should have known that the welding processes at the  
4 Siemens facility exposed workers to unsafe levels of hexavalent chromium (Cr(VI))  
5 fumes.
- 6 b. Whether Defendants failed to adequately warn the Class about the risks of Cr(VI)  
7 exposure, including respiratory damage, cancer, and other serious health effects.
- 8 c. Whether Defendants provided respiratory protection that was inadequate for Cr(VI)  
9 vapor exposure and failed to implement appropriate exposure monitoring protocols.
- 10 d. Whether Defendants knowingly misrepresented or omitted material facts regarding  
11 workplace safety, the adequacy of the provided protective equipment, and the true levels  
12 of Cr(VI) exposure.
- 13 e. Whether Defendants' conduct violated California labor laws, including but not limited  
14 to Labor Code §§ 6400, 6401, and 6403, as well as applicable occupational safety and  
15 health regulations.
- 16 f. Whether Defendants' common course of conduct caused harm to the Class and whether  
17 classwide relief, including damages, injunctive relief, or medical monitoring, is  
18 appropriate.

19 13. **Typicality.** Plaintiffs' claims are typical of the claims of the members of the Class.  
20 Plaintiffs have no interest antagonistic to those of the Class and is not subject to any unique  
21 defenses.

22 14. **Adequacy.** Plaintiffs will fairly and adequately protect the interests of all members of the  
23 Class and have retained attorneys experienced in employment class action and complex litigation.

24 15. **Superiority.** A class action is superior to all other available methods for the fair and  
25 efficient adjudication of this controversy for, inter alia, the following reasons:

- 26 a. It is economically impractical for members of the Class to prosecute individual actions;
- 27 b. The Class is readily definable;
- 28 c. Prosecution as a class action will eliminate the possibility of repetitious litigation; and

1 d. A class action will enable claims to be handled in an orderly and expeditious manner, will  
2 save time and expense, and will ensure uniformity of decisions.

3 16. Plaintiffs do not anticipate any difficulty in the management of this litigation.

4 **FACTUAL ALLEGATIONS**

5 17. Hexavalent chromium (Cr(VI)) is a highly toxic substance that poses severe health risks to  
6 humans. Exposure to Cr(VI) is known to cause respiratory damage, nosebleeds, lung and nasal  
7 cancer, kidney damage, cardiovascular issues, reproductive harm, and long-term neurological  
8 impairment. Symptoms of Cr(VI) exposure may be immediate and severe or have delayed effects,  
9 as the substance can remain in the body and cause health complications months or years after initial  
10 exposure.

11 18. Plaintiffs were employed as welders at the Siemens facility in Sacramento, California.  
12 Plaintiffs and their coworkers performed welding on chrome stainless steel, a process that produces  
13 Cr(VI) fumes. These fumes were released into the air, inhaled by Plaintiffs and workers, and settled  
14 onto surfaces throughout the facility, creating a persistent and hazardous work environment.  
15 Plaintiffs and the Class were required to work in and around areas where welding fumes had  
16 accumulated, exposing them to Cr(VI) both directly and through residual contamination.

17 19. Plaintiffs and the Class were assured by Defendants that their exposure to welding fumes  
18 was safe and that they were being provided with adequate protective equipment. In reality, the  
19 Powered Air-Purifying Respirators (PAPRs) issued by Defendants only filtered particulates and  
20 did not protect against Cr(VI) vapors, which are the most toxic component of the welding fumes.

21 20. Defendants failed to conduct proper exposure monitoring, leading Plaintiffs and the Class  
22 to unknowingly work in dangerously high concentrations of Cr(VI). Industry standards require that  
23 full-shift personal exposure monitoring be conducted for workers exposed to Cr(VI). Instead,  
24 Defendants provided monitors to personnel who briefly entered the welding areas, resulting in data  
25 that significantly underestimated actual exposure levels for full-time welders like Plaintiffs and the  
26 Class.

27 21. Plaintiffs and other workers raised concerns about air quality, respiratory symptoms, and  
28 the effectiveness of their protective equipment, but were repeatedly assured by Defendants that

1 their working conditions were safe. Despite reports of metallic tastes, unusual chemical odors,  
2 recurring nosebleeds, and respiratory irritation—all symptoms of Cr(VI) exposure—Defendants  
3 took no action to mitigate exposure or provide the necessary protective equipment.

4 22. As a result of Defendants' failure to disclose the dangers of Cr(VI) exposure and their  
5 misrepresentations regarding workplace safety, Plaintiffs and the Class continued working in  
6 hazardous conditions, unknowingly inhaling Cr(VI) fumes and absorbing Cr(VI) particles through  
7 skin contact.

8 23. Plaintiffs exhibited symptoms and biological indicators consistent with Cr(VI) exposure.  
9 Plaintiffs and Class Members began experiencing headaches, lethargy, respiratory distress,  
10 persistent nosebleeds, and difficulty concentrating, among other effects associated with Cr(VI)  
11 toxicity.

12 24. As a result of their exposure to hazardous levels of Cr(VI), Plaintiffs and the Class suffered  
13 emotional distress, anxiety, and uncertainty about their long-term health risks, including concerns  
14 over cancer and permanent respiratory damage.

15 **FRAUDULENT CONCEALMENT EXCEPTION TO THE WORKERS'**  
16 **COMPENSATION EXCLUSIVE REMEDY**

17 25. Defendants knew that welding chrome stainless steel at the Siemens facility generated  
18 Cr(VI) fumes, which are highly toxic and recognized as an occupational hazard within the industry.

19 26. Defendants also knew that the respirators provided to Plaintiffs and class members were  
20 only designed to protect against particulate, and not Cr(VI) exposure.

21 27. Defendants misled Plaintiffs and Class Members into believing that the particulate-only  
22 respirators they provided were sufficient to protect against fumes released through welding  
23 stainless steel.

24 28. Defendants also took actions that concealed the true levels of Cr(VI) exposure in the  
25 workplace—for example, improper monitoring that only captured a snapshot of the levels instead  
26 of continuous monitoring.

27 29. When workers complained about symptoms related to Cr(IV) exposure, Defendants failed  
28 to disclose the link between Cr(VI) exposure and the reported health effects.

1 30. This failure to disclose critical information aggravated Plaintiffs' and Class Members'  
2 injuries, including by resulting in prolonged, ongoing exposure, worsening symptoms, and  
3 emotional distress.

4 31. As a result of their exposure to hazardous levels of Cr(VI), Plaintiffs and the Class suffered  
5 emotional distress, anxiety, and uncertainty about their long-term health risks, including concerns  
6 over cancer and permanent respiratory damage.

7 **FIRST CAUSE OF ACTION**  
8 **NEGLIGENCE**  
9 **(Against All Defendants)**

10 32. Plaintiffs and the Class incorporate and re-allege each of the paragraphs above as though  
11 fully set forth herein.

12 33. That at said time and place, as aforesaid, the Defendants, and each of them, owed a duty of  
13 reasonable care toward Plaintiffs and other members of the Class based upon Defendants'  
14 ownership, possession, and operation of the subject premises where the injury causing incidents  
15 occurred. Said duty was based upon Defendants' contractual obligations, custom and practice in  
16 the industry, right to control the details of the work, exercise of control over the details of the work,  
17 authority to control the details of the work, the coordination of the details of the work, and the  
18 commission of affirmative acts that resulted in said injury to Plaintiffs and the Class.

19 34. Defendants, and each of them, failed to properly notify Plaintiffs and the Class as to the  
20 presence of toxic fumes on the subject project, to which Plaintiffs and the Class were subsequently  
21 exposed, suffering injury.

22 35. Additionally, said duty is based on the requirements of California Civil Code § 1714  
23 requiring all persons to act in a reasonable manner toward others.

24 36. Additionally, said duty is based on the requirement of Defendants, and each of them, to  
25 provide a safe place for Plaintiffs to work pursuant to Labor Code § 6400.

26 37. That at said time and place, Plaintiffs and the Class were within the class of workers who  
27 were intended to be protected by the Labor Code regulations and protected under the dictates of  
28 Cal-OSHA regulations.

38. Defendants, and each of them, breached said duty by negligently violating the dictates of

1 Labor Code § 6400, et seq. by failing to provide Plaintiffs a safe place to work.

2 39. Additionally, by improperly failing to adequately notify of the presence of toxic fumes,  
3 furnish PPE, perform ongoing exposure assessments, environmental monitoring, and implement a  
4 compliance program, Defendants created, failed to correct, or maintained an unsafe workplace.

5 40. Additionally, it was foreseeable that Plaintiffs and the Class were in the zone of danger and  
6 would suffer physical and severe emotional distress due to exposure to toxic fumes as a result of  
7 the Defendants' conduct as described herein.

8 41. As a direct and proximate result of the aforesaid negligence, breach of duty, and said  
9 violations, Plaintiffs and the Class sustained injury to their persons, incurred wage loss, medical  
10 expenses, other expenses as a result of repeated and prolonged exposure to toxic fumes on the  
11 Subject Project, as well as emotional distress.

12 42. Plaintiffs' and the Class's injuries ordinarily would not have occurred absent Defendants'  
13 negligence.



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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs and the Class pray for judgment against Defendants as follows:

- A. An order certifying this case as a class action and appointing Plaintiffs, the Class, and their counsel to represent the Class;
- B. For actual, and compensatory damages according to proof;
- C. For past and future medical expenses and incidental expenses according to proof;
- D. For medical monitoring;
- E. For loss of wages and/or earning capacity, according to proof;
- F. For an order enjoining Defendants from continuing to engage in the conduct described herein;
- G. For general damages for fear, worry, annoyance, discomfort, disturbance, inconvenience, mental anguish, emotional distress, and loss of quiet enjoyment of property;
- H. For pre-judgment and post-judgment interest;
- I. For an award of attorneys' fees, costs and expenses as authorized by applicable law; and
- J. For such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Plaintiffs and the Class demand a trial by jury on all causes of action so triable.



Shounak S. Dharap (SBN 311557)