

# Toxic Coal Ash and Birth Defects Breaking Legal NEWS

For Immediate Release

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Levy Phillips & Konigsberg, LLP, *New York City*  
The Law Firm of Robert T. Vance, Jr., *Philadelphia*  
Bifferato LLC, *Wilmington, Delaware*

[www.toxic-coal-ash.net](http://www.toxic-coal-ash.net)

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Illegally Dumping 100 Million Pounds of Toxic  
Coal Ash Waste Onto A Pristine Dominican Republic Beach,  
U.S. Power Corporation Created A Genetic Time Bomb,  
Mass Tort Complaint Alleges

First-Of-Its Kind Lawsuit Filed on Behalf of 11 Plaintiffs, Living  
and Dead, Who Suffered Missing Limbs, Missing Organs, Central Nervous  
System Injuries and Gastrointestinal Deformities; A Two-Headed  
Siamese Twin Died Shortly After Birth

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WILMINGTON, DE – One of the world's largest power generating companies caused horrendous birth defects, lung injuries, and other acute and chronic medical problems from illegally dumping 100 million pounds of toxic coal ash onto a pristine Caribbean beachfront, according to a groundbreaking mass tort lawsuit filed late November 4th against Arlington, Virginia-based AES Corporation (“AES”). The eight-count lawsuit on behalf of 11 plaintiffs, living and dead, from the small rural village of Arroyo Barril in the Dominican Republic was filed in Delaware Superior Court.

Two of the children died after birth from catastrophic birth defects. Two boys survived: one with no arms; the other, born with his stomach outside his body, had to endure several surgeries. Another child was found -- in utero -- to have massive cranial defects and had to be aborted, according to Diane Paolicelli, Esq. of Levy Phillips & Konigsberg LLP in New York City. Paolicelli, who leads the firm's medical malpractice and catastrophic injury practice group, represents birth defect victims.

AES befouled the environment around Arroyo Barril in 2003 and 2004 by dumping mountains of toxic, heavy metal-laden coal ash waste from its Puerto Rico plant onto a beachfront hill, according to the Complaint. After it was dumped, friable ash blanketed the area with choking dust that immediately injured lungs and damaged skin, according to Robert T. Vance, Jr., name partner of the Philadelphia Law Firm of Robert T. Vance, Jr.

In 2006, AES was sued in the Eastern District of Virginia by the government of the Dominican Republic. The matter settled but the injured residents across Arroyo Barril and the island nation's Samana region were not compensated since the case had been brought by the Dominican government for illegal dumping on the island nation's beach. That case is believed to have been settled for approximately \$6 million and remains under seal.

This lawsuit, on behalf of injured plaintiffs, was filed in Delaware since AES and its companies are registered in the State of Delaware, according to Ian Connor Bifferato, name partner of Wilmington, Delaware-based Bifferato LLC.

After the toxic coal ash was dumped and residents began complaining, AES made repeated false representations to the media and the public that the coal ash waste it dumped onto the Samana Bay beachfront was not toxic or harmful to life or health and had beneficial uses, the Complaint alleges.

Coal ash waste contains arsenic, beryllium, cadmium, chromium, lead, mercury, nickel and vanadium. Among the birth defects suffered by the plaintiffs and detailed in the Complaint are missing limbs, failed Siamese twinning, severe gastrointestinal anomalies, bony anomalies, missing kidney, and severe cranial anomalies.

"AES turned a rural, natural oceanfront hill into an environmental crime scene," said Stephen J. Phillips, name partner of Levy Phillips & Konigsberg, who successfully has pioneered birth defect and cancer litigation on behalf of semiconductor workers and their families, as well as groundwater contamination, nuclear radiation and asbestos litigation.

The Complaint includes counts of Violation of International Law and Human Rights; Negligence; Wrongful Death; Negligence Per Se; Nuisance; Fraud and Fraudulent Misrepresentation; Abnormally Dangerous and/or Hazardous Activities; Intentional Infliction of Emotional Distress; and Willful and Wanton Misconduct.

Visit <http://www.toxic-coal-ash.net>. In addition to the filed Complaint, this case-specific Web site contains photos of the victims, the beachfront hill toxic coal ash dump site and Arroyo Barril. The site will be updated with public filings by the plaintiffs as well as AES when they become available.

DE Superior Court - Newcastle County, N09C-11-021 JEB

ANAJAI CALCAÑO PALLANO, Individually, and as Parent and Natural Guardian of MAXIMILIANO CALCAÑO; MARIBEL MERCEDES, Individually, and as personal representative of the Estate of "BABY MERCEDES;" MARIBEL ANDUJAR MEDINA, Individually, and as Parent and Natural Guardian of ISAEL ALTAGRACIA ANDUJAR; ROSA MARIA ANDUJAR Individually, and as personal representative of the Estate of "BABY OLMOS;" MARIA VIRGEN DEOGRACIA, Individually, and as Parent and Natural Guardian of ESTANLYN GARCIA DEOGRACIA; and AMPARO ANDUJAR, Plaintiffs, v. THE AES CORPORATION, AES ATLANTIS, AES PUERTO RICO, LP, AES PUERTO RICO, INC., and AES PUERTO RICO SERVICES, INC., Defendants

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