

21<sup>st</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF TANGIPAHOA

STATE OF LOUISIANA

NO. \_\_\_\_\_ SECTION \_\_\_\_\_ DIVISION \_\_\_\_\_

RONNIE POLEZCEK

VERSUS

SMITTY’S SUPPLY, INC.

FILED: \_\_\_\_\_

\_\_\_\_\_  
DEPUTY CLERK

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes Petitioner, Ronnie Polezcek, a person of the full age of majority and domiciled in Tangipahoa Parish, Louisiana, who respectfully represents that:

1.

Made Defendant herein is **SMITTY’S SUPPLY, INC.** (hereafter referred to as “Smitty’s”), upon information and belief a Louisiana corporation licensed to do and doing business in the State of Louisiana, whose registered agent for service is A. Bradley Berner, Attorney at Law, 1250 Southwest Railroad Avenue, Suite 230A, Hammond, Louisiana 70403.

2.

Jurisdiction and venue are proper in this Honorable Court under La. C.C.P. Art. 74 as the wrongful conduct and resulting damages occurred in Tangipahoa Parish, Louisiana.

FACTUAL ALLEGATIONS

3.

Petitioner’s residence is located in the Town of Amite, Tangipahoa Parish, Louisiana, approximately three (3) miles northeast of Defendant’s facility.

4.

On or about August 22, 2025, Defendant negligently caused a catastrophic explosion and fire at the Smitty’s facility in Roseland, Louisiana, Tangipahoa Parish. The facility stored large quantities of chemical and petroleum-based products. The company's online profile says it has

bulk storage tanks on site capable of holding 8.7 million gallons of material and is serviced by three railroad spurs. The explosion released thick black smoke, ash, soot, and oily substances into the surrounding community, forcing a mandatory evacuation and displacing numerous residents. The resulting fire burned from August 22 through August 25, 2025.



Source: [https://www.facebook.com/100085220014430/photos/735394919311169/?\\_rd=1](https://www.facebook.com/100085220014430/photos/735394919311169/?_rd=1)

5.

Based on material safety data sheets for Smitty's (see Exhibit A attached hereto), products stored at the facility have included engine oil, detergent, heat transfer fluid additive, HVAC inhibitor, antifreeze, glycol, motor oil, synthetic oil, wire seal, hydraulic fluid, drill oil, coolant, graphite grease, washer fluid, transformer insulating oil, vacuum pump oil, lithium grease, turbine oil, steering fluid, ethanol treatment, octane booster, diesel conditioner and anti-gel. The release, burning, and partial burning of these products and resulting deposition throughout the communities of Roseland and Amite, Louisiana, have significant short- and long-term impacts to personal property, human health, and the environment.

6.

Volatile and semi-volatile organic compounds are a primary concern following the combustion of oils, lubricants, fuels, and chemical additives. Volatile organic compounds (VOCs) such as benzene, toluene, ethylbenzene, and xylenes (BTEX) result from the combustion of fuels, lubricants, and chemical additives. These compounds are mobile in air and water and are toxic at

low concentrations. In addition to VOCs, hazardous semi-volatile organic compounds (SVOCs), including polycyclic aromatic hydrocarbons (PAHs), phthalates, glycol ethers, and phenols which arise from incomplete combustion of oils and greases as well as from heat-altered additives such as detergents and inhibitors, also are released as a result of the combustion of fuels, lubricants, and chemical additives.

7.

Many of the fluids present at the facility, such as antifreeze, coolants, washer fluid, and HVAC inhibitors, contain water-soluble organic compounds that pose a significant but different environmental risk profile than petroleum hydrocarbons. These include glycols (ethylene glycol, propylene glycol, diethylene glycol), alcohols (ethanol, methanol, isopropanol), and glycol ethers. Due to their high solubility, these compounds are highly mobile in the environment and readily partition into firefighting runoff, stormwater, and groundwater.

8.

Many lubricants, greases, and additives contain metallic compounds that can persist in the environment and the Petitioner's property, after combustion. Zinc, molybdenum, lithium, calcium, and barium are common in lubricants and grease thickeners, while chromium, lead, nickel, and copper may originate from corrosion inhibitors and additives. These metals can accumulate in soils, ash, and runoff sediments, resulting in continued contamination, necessity short- and long-term environmental monitoring, costly remediation, and continued property damage.

9.

Combustion of oils, glycols, greases, and additives can release a range of airborne contaminants, such as dioxins, furans, and fine particulate matter with adsorbed hydrocarbons and metals. The resulting settled soot and ash will be a source of continued contamination and property damage.

10.

The Defendant's history of negligence is evident through its compliance history. United States Environmental Protection Agency (EPA) records show the Defendant violated the terms of its National Pollution Discharge Elimination System (NPDES) permit and the Clean Water Act

(CWA) every quarter since April 2022, resulting in \$194,772 in penalties from formal EPA Enforcement Actions. (See Exhibit B attached hereto.)

11.

Between October 2022 through December 2023, the EPA and the Louisiana Department of Environmental Quality (LDEQ) classified Defendant as a “Significant Noncomplier” of the Resource Conservation and Recovery Act (RCRA), *see* 40 C.F.R. §§ 239-282, which regulates hazardous and non-hazardous waste. The EPA currently classifies the Defendant’s facility’s RCRA status as “violation” with violations listed from January 2024 through present, citing twelve (12) quarters on non-compliance, five (5) quarters of significant violations, and two (2) formal enforcement actions resulting in \$250,000 in penalties in the last five (5) years. (See Exhibit B attached hereto.)

12.

In 2023, the EPA discovered that the Defendant failed to timely submit the required Emergency Planning and Community Right-to-Know Act (EPCRA) § 313 reports for multiple chemicals over a five (5) year time period and levied a \$45,000 penalty. In addition, Defendant agreed to conduct a Supplemental Environmental Program (SEP) in the amount of \$168,750 which was furnished to the local fire department. (See Exhibit B attached hereto.)

13.

As a direct result of the explosion, Petitioner had to move and care for his livestock, incurred lodging, transportation, and feeding expenses, and missed work during the period of displacement.

14.

After the explosion, Petitioner discovered widespread contamination to his property. His home, vehicles, pond, and pasture were coated with soot and oily residue. His pond had an oily sheen at least an inch deep on the surface. His livestock were covered in black soot and oily residue and could not graze or drink safely from the contaminated pasture and pond. Petitioner was also forced to burn all the hay on his properties because of contamination. One of his pregnant cows gave birth to a stillborn calf shortly after the explosion.

15.

Petitioner has suffered and continue to suffer extensive damages because of this disaster. His home, land, pond, and vehicles were coated in soot and oily residue, leaving his property contaminated and unfit for normal use. His livestock were exposed to pollutants, deprived of safe food and water, and required costly substitute care. He was advised to evacuate his livestock incurring expenses for lodging, transportation, and animal relocation, while also losing wages from missed work. Petitioner has personally endured continuing anxiety, stress, and fear for his health, his animals, and the long-term habitability and diminution in value of his property.

16.

Petitioner has and will continue to incur the expense of cleaning his property and conducting environmental monitoring and remediation as a direct proximity to the Defendant's negligence.

17.

At all pertinent times herein, Petitioner alleges that, upon information and belief, Defendant, Smitty's Supply, Inc., failed to use ordinary care by various acts and omissions, including the following, each of which, singularly or in combination with others, was a proximate cause of the explosion, fire, and resulting damages complained of herein:

- A. In failing to properly maintain, inspect, and repair its physical facility, tanks, piping, machinery, and equipment;
- B. In failing to safely store, contain, and handle hazardous and petroleum-based products;
- C. In failing to follow industry standards and applicable environmental and safety regulations;
- D. In failing to establish and enforce adequate fire prevention, monitoring, and emergency shutdown systems;
- E. In failing to provide sufficient alarms, suppression systems, and containment barriers;
- F. In failing to timely and adequately warn nearby residents of the risks posed by its operations and of the unfolding hazards;

- G. In failing to correct known risks of explosion and fire despite prior notice and violations;
- H. In failing to hire, train, and supervise employees and contractors to safely operate and maintain the facility;
- I. In failing to secure and safeguard against foreseeable ignition, combustion, and chemical release;
- J. In otherwise acting with carelessness, recklessness, and disregard for the rights, safety, and property of Petitioner and the surrounding community; and
- K. In all other acts of negligence and fault, which may be proven at the trial of this matter.

#### **NEGLIGENCE**

18.

Petitioner incorporates by reference paragraphs 1-17, as if fully set forth herein.

19.

Petitioner has suffered and is suffering damages to his person, property, residences, and businesses as detailed above.

20.

Pursuant to La. Civ. Code Art. 2315, Defendant has a duty not to cause harm to Petitioner and his property. La. Civ. Code Art. 2315 ("Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it.").

21.

The risk of harm suffered by the Petitioner was encompassed within the scope of the duties owed to him by the Defendant.

22.

Defendant breached its duties to Petitioner. Defendant knew or, in the exercise of reasonable care, should have known of the hazardous nature of the materials on its site but failed to act reasonably to avoid the inadvertent release of thousands of pounds of toxic substances.

23.

Defendant is liable for all damages it caused Petitioner resulting from its negligence including, but not limited to, damages for physical discomfort, fear of cancer, increased risk of cancer, property damages, deprivation of enjoyment of property, loss of use of property, business losses, and lost income.

**TRESPASS**

24.

Petitioner incorporates by reference paragraphs 1-17, as if fully set forth herein.

25.

Defendant's negligent acts and omissions have resulted and continued to result in the direct and physical invasion of Petitioner's property by toxic and harmful substances including soot and oily residue contaminating his personal properties, including vehicles, residential dwellings, garage, barn, crops, livestock, ponds and surrounding surface area. The entry and presence of these substances were unauthorized. Defendant is prohibited under Louisiana law from causing such materials to encroach upon the property of its neighbors.

26.

As a direct and proximate result of the acts and omissions of Defendant, Petitioner has suffered losses and damages in the form of, but not limited to, emotional distress, loss of income, the creation of conditions that are harmful to human health and the environment, loss of the beneficial use, enjoyment, and exclusive possession of his property, expenses related to the cleanup of the Defendant's soot, and oily residue that has invaded his property, short and long-term monitoring and remediation of the contamination, and loss of livestock's grazing pastures and drinking water supply.

**NUISANCE UNDER LOUISIANA CIVIL CODE ARTICLES 667-669**

27.

Plaintiff incorporates by reference paragraphs 1-17, as if fully set forth herein.

28.

Defendant's acts and omissions with respect to the explosion and fire have caused and continue to cause a material, substantial, and unreasonable interference with Petitioner's use and

enjoyment of his properties, including loss of livestock's grazing pastures and drinking water supply, and has caused and continues to cause a diminution in property values.

29.

Defendant's material, substantial, and unreasonable interference with Petitioner's use and enjoyment of Petitioner's property and continuing material, substantial and unreasonable interference with such use and enjoyment constitutes a continuing private nuisance.

30.

Defendant's creation and continuing creation of a private nuisance proximately caused and continues to cause damage to Petitioner in the form of loss of income, loss of livestock's grazing pastures and drinking water supply, emotional distress, the creation of conditions that are harmful to human health and the environment, loss of the beneficial use, enjoyment, and exclusive possession of his property, fear of cancer, increased risk of cancer, and property damage.

#### **ABSOLUTE LIABILITY**

31.

Petitioner incorporates by reference paragraphs 1-17, as if fully set forth herein.

32.

Petitioner states a cause of action for absolute liability under La. Civ. Code Art. 2315 for conducting an ultrahazardous activity against Defendant based on the allegations stated herein.

33.

At all relevant times, Defendant has deliberately engaged in an abnormally dangerous activity by generating, discharging, transporting, or allowing the discharge of toxic and/or harmful substances and/or concealing knowledge of same.

34.

As a direct and proximate result of the acts and omissions of Defendant, Petitioner has suffered losses and damages in the form of, but not limited to, emotional distress, loss of income, the creation of conditions that are harmful to human health and the environment, loss of the beneficial use, enjoyment, and exclusive possession of his property, expenses related to the cleanup of the Defendant's soot and oily residue that has invaded his property, short and long-term monitoring and remediation of the contamination, and loss of livestock's grazing pastures and drinking water supply.



**STRICT LIABILITY**

35.

Petitioner incorporates by reference paragraphs 1-17, as if fully set forth herein.

36.

Louisiana Civil Code Articles 2317 and 2317.1 provide that a custodian is strictly liable for damages occasioned by the things he owns. At all material times, Defendant owned and/or operated and/or maintained Smitty's. The operations of Smitty's resulted in a fire and emissions of toxic and hazardous substances, which was the cause-in-fact of Petitioner's damages.

37.

The defects in Defendant's operations caused an unreasonable risk of harm to Petitioner. The burden of preventing hazardous chemical releases and preventing large explosions is slight as compared to the potential gravity of harm to Petitioner.

38.

Defendant knew or in the exercise of reasonable care, should have known of the unreasonable risk attendant to its operations.

39.

The damages suffered by Petitioner could have been prevented by Defendant's exercise of reasonable care.

40.

Petitioner suffered damages to his property and business as detailed above, as a result of the defective operations at Smitty's, and Defendant is strictly liable for those damages.

**PRAYER FOR RELIEF**

41.

As a result, Petitioner seeks recovery of all damages allowable under Louisiana law, including, but not limited to, property damage; loss of use and enjoyment; animal relocation expenses; lost income; mental anguish and emotional distress; diminution in property value; and all other recoverable damages, together with legal interest and costs of these proceedings, including attorney and expert fees, recoverable compensatory damages, and statutory damages sustained by the Petitioner.

42.

Petitioner has not received compensation for the damages and losses sustained by him as a result of this explosion sued upon.

43.

Petitioner respectfully requests that Defendant be ordered to pay all costs associated with these proceedings.

44.

Petitioner reserves the right to amend and supplement this Petition as discovery progresses, including to add defendants responsible for the explosion and its consequences.

45.

WHEREFORE, Petitioner prays that a copy of this petition be served upon Defendant, Smitty's Supply, Inc., in the manner prescribed by law, and that after due proceedings are had and after all legal delays, there be judgment rendered herein in favor of Petitioner, Ronnie Polezcek, and against Defendant, Smitty's Supply, Inc., individually, jointly, and *in solido* with any other parties subsequently added to this action, for all damages reasonable in the premises, together with legal interest thereon from the date of judicial demand until paid, for all costs of these proceedings, including attorney and expert fees, recoverable compensatory damages, and statutory damages sustained by the Petitioner, and for all other general and equitable relief to which Petitioner may be entitled.

Respectfully submitted,

**SINGLETON SCHREIBER, LLP**

By:



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**SMITTY'S SUPPLY, INC.**

**Through its registered agent for service:**

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