

Donald L. Ware  
DLW-6  
DW 04-048 - 22 Pages

STATE OF INDIANA ) IN THE MARION CIRCUIT/SUPERIOR COURT  
 )  
 )SS:  
COUNTY OF MARION ) CAUSE NO. 1900 435 06 PL 023539

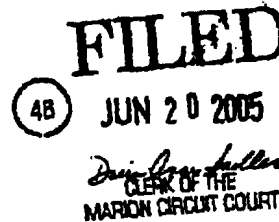
ROGER F. EDLIN,

Plaintiff,

v.

VEOLIA WATER INDIANAPOLIS, LLC.;  
VEOLIA WATER NORTH AMERICA  
OPERATING SERVICES, INC.;  
CONSOLIDATED CITY OF INDIANAPOLIS,  
MARION COUNTY, INDIANA;  
and THE DEPARTMENT OF WATERWORKS  
OF THE CITY OF INDIANAPOLIS,

Defendants.



**COMPLAINT AND REQUEST FOR JURY TRIAL**

Plaintiff, Roger F. Edlin, by his undersigned counsel, for his claims against Defendants,  
states as follows:

**Introduction**

1. A potential public health crisis was averted in the early morning hours of January 6, 2005, by an alert, experienced, and quick-acting plant operator at the White River Treatment Plant in Indianapolis. Because of a host of cost-saving measures and corner-cutting initiated by Veolia Water Indianapolis, LLC and its parent corporation Veolia Water North America, which measures had been systematically encouraged and approved by the City of Indianapolis and the Department of Waterworks, bringing the White River Treatment Plant back online proved to be a very difficult and potentially dangerous task. Because water officials believed it was necessary to pump questionable water into the City's supply lines in order to maintain fire suppression, the decision to issue a boil-water advisory was issued in the afternoon of January 6, 2005.

2. Roger F. Edlin, the plant operator at the helm of the White River Treatment Plant when serious water problems were discovered, had a history of questioning the cost-saving and corner-cutting at Veolia. When water officials asked him during the ensuing investigation about what had caused the meltdown at the plant, provided a laundry list of problems which, in his view, were making operations at the plant potentially unsafe. Within about 48 hours of his comments, Mr. Edlin was made the scapegoat for the entire affair and his job of nearly twenty-four years was abruptly and unceremoniously terminated.

Nature of this Action

3. This is an action at law for monetary damages, reasonable attorney fees and costs, and other appropriate relief.

Parties

4. Plaintiff, Roger F. Edlin ("Edlin") is an adult citizen of the State of Indiana and was formerly employed by Defendant as a water treatment plant operator. Edlin resides in Lebanon, Indiana.

5. Defendant Veolia Water Indianapolis, LLC. ("Veolia") is a Foreign Limited Liability Company licensed to do business in the State of Indiana. Veolia maintains its offices at 1220 Waterway Boulevard, Indianapolis, Indiana 46202. Veolia routinely does business within the State of Indiana and within Marion County.

6. Defendant Veolia Water North America Operating Services, Inc., ("Veolia NA") is a For-Profit Foreign Corporation licensed to do business in the State of Indiana. Veolia NA maintains its offices at 14950 Heathrow Forest Pkwy, Suite 200, Houston, Texas, 77032. Veolia routinely does business within the State of Indiana and within Marion County.

7. Defendant The Consolidated City of Indianapolis is a municipality under I.C. § 8-1-2-1(e) and is a consolidated city under I.C. § 36-4-1-1 and I.C. § 36-3-1-4.

8. Defendant Department of Waterworks is an operating division and board of the City. The offices for the Department of Waterworks are located at Room 1601, City-County Building, 200 East Washington Street, Indianapolis, Indiana 46204. The Department of Waterworks was established by General Ordinance 112, 2001 by the City-County Council of Indianapolis, and subsequently acquired the waterworks assets of the former Indianapolis Water Company. The Department now owns, operates, and maintains a water system for the collection, purification, conveyance, treatment and storage of water and distribution of water to its customers. The Department is governed by a seven-member board of directors appointed by the Mayor of the City.

#### Factual Allegations

##### I. Background

9. Veolia NA is North America's leading water services provider for local and federal governments and business and industry. The company designs, builds, operates and manages various types of facilities, programs and systems such as water and wastewater treatment and reclamation facilities, water distribution systems, wastewater collection systems, groundwater remediation systems, residuals and composting facilities and related distribution programs, and combined sewer overflow facilities.

10. Veolia, Veolia NA and the Department of Waterworks of the City of Indianapolis are parties to a 20-year, \$1.5 billion contract which includes all operations and management and customer service facets of the City's waterworks system, which system serves over 1.1 million people.

11. The quality of the water produced by waterworks system is a matter of general concern to the public.

12. With the exception of private wells and/or private water treatment systems, the citizens of Indianapolis and Marion County and certain surrounding areas have no other choice but to obtain their water supply from the waterworks.

13. Veolia and Veolia NA, although organized as separate entities, are in fact a single company for purposes of establishing corporate liability for employment decisions. By way of example only, Veolia NA routinely and systematically refers to contracts and projects of Veolia as its own, making no distinction between the companies. Veolia and Veolia NA are not

The advisory ended the next day, but not before classes were canceled for 40,000 students, hospitals and other businesses switched to bottled water, and officials scrambled to ensure the system contained enough water pressure to fight fires.

"There was no system in place to catch the error and stop it from causing the problem that it caused," Indianapolis Mayor Bart Peterson said. "It points out what has to be changed."

Veolia Water Indianapolis, the company that manages the city's water utility, said those changes were already being made. The employee – whose name was not released, was fired.

17. The source for the information printed in the story in the *Star* was Veolia.

18. The information provided by Veolia for the story in the *Star* was incomplete, incorrect, and designed to conceal from the citizens of Indianapolis and Marion County, as well as citizens of Morgan, Hendricks, Boone, Hamilton and Hancock counties, the truth about the events leading up to the boil water advisory.

19. In fact, Defendants were responsible for a long line of ill-advised profit-driven decisions which created a potentially dangerous situation at the White River Treatment Plant where Plaintiff worked, and it was these decisions, aimed at increasing Veolia's profits, and not a typographical error, which ultimately resulted in a potential public crisis and the boil water advisory being issued. These decisions included, but were not necessarily limited to, the following:

A. The decision to forego maintenance on filters at the White River Treatment Plant;

B. The decision to take both the five million gallon and the ten million gallon finished water reservoirs at the RS Reservoir offline;

C. The decision to reduce the number of maintenance workers available to assist plant operators;

D. The decision to ignore critical maintenance concerns involving equipment such as the peristaltic pumps (used to provide hypochloride during the treatment process), the sodium permanganate pumps, numerous valves throughout the plant, large and small filters, and other maintenance issues.

20. In addition to the decisions made by Veolia described in paragraph 19, all of which contributed to causing water problems which occurred during Plaintiff's regular shift the evening of January 5<sup>th</sup> and the early morning of January 6<sup>th</sup>, there were at least two (2) additional factors which contributed to the potential health crisis: First, a decision was made by plant manager Dave Hill earlier on January 5, 2005 to draw well water (groundwater) into the system, but Mr. Hill failed to insure that all of the valves were in fact opened. This error created a situation where the treatment system's computer program miscalculated the appropriate mix of treatment chemicals because well water (groundwater) was not, in fact, entering the system at the rate expected. Second, the surface water entering the treatment system was generally very "dirty" as a result of the heavy rains shortly prior to the time in question.

21. Veolia failed to provide this information in its press releases or other communications with the press following the boil water advisory. Instead, Veolia laid the blame at the feet of an unnamed plant operator and explained the entire situation as having been caused by a "typo."

22. Plaintiff did not enter incorrect information into the water treatment computer system as alleged by Veolia. Plaintiff did make the decision, according to standard operating

procedure, to shut down the White River Treatment Plant, because the routine water testing results indicated a serious problem with increasing contaminants in the water.

23. In fact, on the evening of January 5, 2005, what transpired was a situation about which Plaintiff had been concerned and about which Plaintiff had complained repeatedly to officials who were and are responsible for insuring water quality and safety.

24. Prior to January 5, 2005, as well as subsequent to that date, Plaintiff repeatedly warned water officials that their decisions to cut back spending (and thereby increase profits) by delaying needed repairs, decreasing staff needed to maintain filtration equipment, taking the plant's finished water reservoirs offline, and taking other corner-cutting steps would eventually lead to a dangerous situation -- which Plaintiff referred to repeatedly as a "train wreck" -- in terms of water quality and public health.

25. Plaintiff's repeated comments and complaints to water officials about the potential safety hazards posed by their customs, policies, and procedures constituted speech on a matter of public concern. As such, the First Amendment to the United States Constitution protected that speech.

### **III. Defendants' Investigation Following Boil Water Advisory and Termination of Plaintiff**

26. In its December Operating Report to the City of Indianapolis Department of Waterworks, published January 20, 2005, Veolia offered the following details and statements about the events of January 5 through January 7, 2005:

A. That a plant rate of 65 million gallons per day was entered into the computer program (called the "Supervisory Control and Data Acquisition" system ("SCADA") where the well flow rate (which was less than 10 million gallons per day) should have been

entered, and that this error caused the system to automatically shut off the alum and polymer feed pump;

B. That the system lacked any controls to prevent this "numerical data entry error" from occurring;

C. That the "first samples" taken which indicated a problem were taken "early on the morning of January 6", and that these samples showed that alum and polymer used in the coagulation process were not feeding into the system;

D. That when the plant operator (Plaintiff) was advised of this problem, the plant operator "initiated plant shut down procedures to ensure that no inadequately treated water entered the distribution system;"

E. That the inadequately treated water was released into Fall Creek pursuant to an IDEM permit;

F. That the plant operator then began feeding alum and polymer into the system "through a manual override of the SCADA system";

G. That the plant operator "advised the appropriate VWI supervisors and managers in the VWI chain of command of the problem";

H. That, by mid-afternoon on Thursday January 6, 2005, Veolia and the Department of Waterworks "upon the recommendation of VWI, decided that a precautionary boil water advisory would be the appropriate step to take";

I. That the investigation "found fault with the process control" and that Veolia "implemented improved controls in the SCADA system and operator procedures";

J. That an employee was "terminated as a result of the investigation" even though the system "was at no time out of compliance with IDEM or EPA regulations. . . ."; and



K. That "extraordinary measures" were taken between the discovery of the water quality problem and the time on Friday, January 7 when tanks were returned to normal levels, and that these "extraordinary measures" were required "to maximize system pressures to meet demand and maintain fire suppression."

27. Many of the statements made by Veolia in its official report were either patently false or materially misleading. Moreover, although the report appears to credit the plant operator for his quick action in shutting down the plant and keeping the operation in compliance with IDEM and EPA regulations, the report omits the fact that the employee terminated "as a result of the investigation" was the plant operator, Plaintiff Roger F. Edlin.

28. During the course of the investigation conducted by Defendants following the incident described above, Plaintiff reiterated the concerns he had been raising with water officials prior to the incident. In a meeting with water officials from Veolia during the investigation, Plaintiff advised the officials that although the facility had not put out bad water during this incident, they were "heading for a train wreck and the caboose is already off." Specifically, Plaintiff advised the water officials during this meeting that their decision to take multiple systems out of service simultaneously was going to "cause a disaster." During this investigatory meeting, Plaintiff discussed all of the issues about which he had previously voiced repeated concerns (identified in paragraph 19 above), as well as others, such as:

- A. The generally bad condition of the White River Treatment Plant;
- B. The need to take plumbing apart to wash filters; and
- C. The general lack of maintenance on critical systems.

29. Additionally, during the investigatory meeting described above, Plaintiff told the Veolia water officials that he believed the system was going to fail again, and that he would

refuse to "put out bad water," and that if it came down to such a decision, he would be forced once again to take the plant off line.

30. Within approximately forty-eight (48) hours of voicing the concerns described in paragraphs 28 and 29 above, Plaintiff was told for the first time in his 23 1/2 year career at the water company that he was "not competent to run a water plant" and was unceremoniously terminated on the spot by Mr. Dave Gadis.

31. Prior to his termination, Defendants had never questioned Plaintiff's skills as a plant operator, and Plaintiff had received commendation in the past for doing essentially the same thing (a plant shutdown) he did in the early morning hours of January 6, 2005. At all relevant times, Plaintiff completely fulfilled his duties as plant operator, including his duty to protect the public from the risks associated with contaminated water.

32. The reason for Plaintiff's termination as communicated to Plaintiff by Mr. Gadis (that Plaintiff was incompetent) was false, and was a pretext for illegal retaliatory and/or discriminatory conduct by Defendants.

33. The true reasons for Plaintiff's termination were as follows:

A. To retaliate against Plaintiff for having performed his statutory duties as plant operator;

B. To retaliate against Plaintiff for having spoken out on matters of public concern and having been a vocal opponent of Defendants' policies, practices, and procedures (which amounted to cutting corners in the name of profit and at the expense of public safety);

C. To discredit Plaintiff and relegate him to the status of "disgruntled former employee" so as to lessen the impact of the statements he had made (and those statements he was

expected to make) on the subject of Defendants' ill-advised policies, practices, and procedures;  
and

D. Upon information and belief, to punish Plaintiff for having made  
statements on these subjects to the press.

34. Hypothetically and in the alternative, the true reason for Plaintiff's termination  
was to discriminate against him based on his age.

35. All Defendants were involved in the decision to terminate Plaintiff's employment.

36. Defendants' conduct described above was committed intentionally, willfully,  
maliciously, recklessly, and with gross disregard of Plaintiff's rights.

37. As a direct and proximate result of Defendants' conduct, Plaintiff has been  
suffering, and is presently suffering, serious mental and emotional distress, anxiety, ridicule,  
humiliation, indignity, loss of esteem, embarrassment, loss of wages and fringe benefits, loss of  
future employment prospects, and has been forced to incur attorney's fees and other expenses to  
redress the wrongs perpetrated against him.

#### Causes of Action

##### First Count (All Defendants)

##### 42 U.S.C. § 1983 – First Amendment Free Speech

38. Plaintiff incorporates by reference and realleges paragraphs 1 through 37.

39. Plaintiff, Roger F. Edlin, both before and after the incident leading to the boil  
water advisory issued on January 6, 2005, engaged in constitutionally protected speech on  
matters of public concern both in his communications with water officials and in his  
communications with the press.

40. Defendants, acting together, terminated Plaintiff in order to punish him for engaging in the speech described herein, and to chill such speech by Plaintiff and others in the future.

41. In fact, Defendants Veolia and Veolia NA have caused to be issued written policies specifically prohibiting employees from talking to members of the press, which policies stand as evidence of these Defendants' fear of public scrutiny and their desire to chill free speech in furtherance of their own interests.

42. Defendants Veolia and Veolia NA engaged in state action at all times relevant to this case, and as such are subject to the constitutional protections afforded by the First and Fourteenth Amendments to the United States Constitution. For example:

A. Veolia and Veolia NA provide services which have traditionally been provided by government and can fairly be said to perform a traditional public function such that their actions must be considered to be state action for purposes of First Amendment analysis;

B. Veolia and Veolia NA and the City of Indianapolis and the Board of Waterworks are involved in a symbiotic relationship which they often describe as a "public-private partnership" and as a "joint venture;"

C. The City of Indianapolis and the Board of Waterworks necessarily possess and routinely exert a great deal of control over the day-to-day operations of Veolia and Veolia NA;

D. The decision to terminate Plaintiff's employment was, upon information and belief, motivated in large part by the desire of the City and the Board to extract "their pound of flesh" to redress the political embarrassment caused by the shutdown of the WRTP and the

ensuing boil water advisory, such that the involvement of governmental authority in this case aggravated or contributed to the unlawful decision to terminate Plaintiff's employment.

Second Count (Veolia and Veolia NA)

Defamation

43. Plaintiff incorporates by reference and realleges paragraphs 1 through 42.

44. Defendants Veolia and Veolia NA are liable to Plaintiff for defamation of character, because Veolia employees, acting within the scope of their employment, knowingly and willfully made false and defamatory statements about Plaintiff.

45. Defendants knew, or should have known, that the statements were false, and that they would damage Plaintiff's reputation.

Third Count (Veolia and Veolia NA)

Retaliatory Discharge (*Frampton* claim)

46. Plaintiff incorporates by reference and realleges paragraphs 1 through 45.

47. Defendants Veolia and Veolia NA retaliated against Plaintiff because he performed his statutory duty to safeguard the quality of public water when he shut down the WRTP on the early morning of January 6, 2005, and because he made it known to Defendants that he would not breach his duty in the future should similar hazardous conditions occur.

48. Defendants' conduct was intentional, willful, reckless, and wrongful such that an award of punitive damages would be appropriate to deter Defendants from engaging in similar conduct in the future.

Fourth Count (Veolia and Veolia NA)

Age Discrimination in Employment Act (ADEA)

49. Plaintiff incorporates by reference and realleges paragraphs 1 through 48.

50. Hypothetically and in the alternative, Defendants Veolia and Veolia NA discriminated against Plaintiff on the basis of his age by terminating his employment.

51. Plaintiff was, at all relevant times, over forty (40) years of age and in the class of persons protected from age discrimination by the ADEA.

52. Plaintiff performed all of the responsibilities of this position in accordance with the legitimate expectations of his employer.

53. Plaintiff was treated less favorably than a similarly situated employee under age forty.

54. The reason given by Veolia and Veolia NA for Plaintiff's termination was a pretext designed to mask the true, illegal reason.

55. Plaintiff filed a timely charge of discrimination with the United States Equal Employment Opportunity Commission, and had received a "right to sue" letter. This suit is timely filed.

Relief

WHEREFORE, Plaintiff, Roger F. Edlin, prays for the following relief:

A. Grant Plaintiff a sum sufficient to compensate him as determined by the evidence as compensatory or actual damages;

B. Grant Plaintiff an appropriate sum as punitive or exemplary damages;

C. Reinstatement Plaintiff to his position, with an award of back pay with interest, and all other lost employment benefits. In the event that the Court finds that reinstatement is not feasible, Plaintiff prays for an award of back pay and front pay;

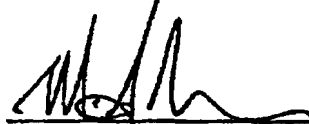
D. Award Plaintiff reasonable attorney's fees and costs;

E. Retain jurisdiction of this action to ensure full compliance with the law; and

F. Award Plaintiff such other and further relief as the Court deems just and proper.

Date: 20 June 2005

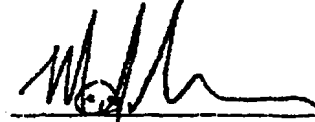
Respectfully submitted,



Michael L. Schultz, No. 20361-49  
Attorney for Plaintiff  
136 East Market Street, Suite 1010  
Indianapolis, Indiana 46204  
(317) 637-9910  
(317) 637-9920 (fax)  
[mislaw@sbcglobal.net](mailto:mislaw@sbcglobal.net)

**REQUEST FOR JURY TRIAL**

Plaintiff, by counsel, hereby requests a trial by jury on all issues triable by a jury pursuant to Rule 38 of the Indiana Rules of Trial Procedure.



Michael L. Schultz, No. 20361-49  
Attorney for Plaintiff  
136 East Market Street, Suite 1010  
Indianapolis, Indiana 46204  
(317) 637-9910  
(317) 637-9920 (fax)  
[mlslaw@sbcglobal.net](mailto:mlslaw@sbcglobal.net)



## SUMMONS

Roger F. Edlin,

Plaintiff,

v.

In the Marion Circuit/Superior Court

Cause No. 1920 145 06PL 023539

Veolia Water Indianapolis, LLC.,  
Veolia Water North America Operating Services, Inc.,  
Consolidated City of Indianapolis, Marion County, Indiana, and  
The Department of Waterworks of the City of Indianapolis,

Defendants.

**TO DEFENDANT:** Veolia Water Indianapolis, LLC.  
c/o CT Corporation System  
251 E. Ohio Street, Suite 1100  
Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950).

*Dan Allen Scheller*

## SUMMONS

Roger F. Edlin,

In the Marion Circuit/Superior Court

Plaintiff,

Cause No.

v.

~~8900 405 06 PL 003538~~

Veolia Water Indianapolis, LLC.,  
Veolia Water North America Operating Services, Inc.,  
Consolidated City of Indianapolis, Marion County, Indiana, and  
The Department of Waterworks of the City of Indianapolis,

Defendants.

**TO DEFENDANT:** Veolia Water Indianapolis, LLC.  
c/o CT Corporation System  
251 E. Ohio Street, Suite 1100  
Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950).

7 1 1 1

## SUMMONS

Roger F. Edlin,

In the Marion Circuit/Superior Court

Plaintiff,

Cause No. 4904 805 CPL 073539

v.

Veolia Water Indianapolis, LLC.,  
Veolia Water North America Operating Services, Inc.,  
Consolidated City of Indianapolis, Marion County, Indiana, and  
The Department of Waterworks of the City of Indianapolis,

Defendants.

**TO DEFENDANT:** Consolidated City of Indianapolis, Marion County, Indiana  
c/o Mayor Bart Peterson  
2501 City-County Building  
200 East Washington Street  
Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950).

Dated: \_\_\_\_\_

*Doris Ann Sadler*

JUN 20 2005

Clerk, Marion Circuit/Superior Court

(Seal)

(The following manner of service of summons is hereby designated.)

**XXX Personal Service - See Return of Service on reverse side**

Michael L. Schultz, 20361-49  
Attorney for Plaintiff  
136 East Market Street  
Suite 1010  
Indianapolis, IN 46204  
317-637-9910  
317-637-9920 Fax  
mlslaw@sbcglobal.net

# SUMMONS

Roger F. Edlin,

Plaintiff,

v.

In the Marion Circuit/Superior Court

Cause No. 49D0 425 CPL 03539

Veolia Water Indianapolis, LLC.,  
Veolia Water North America Operating Services, Inc.,  
Consolidated City of Indianapolis, Marion County, Indiana, and  
The Department of Waterworks of the City of Indianapolis,

Defendants.

**TO DEFENDANT:** Department of Waterworks of the City of Indianapolis  
c/o A. Scott Chinn, Counsel  
1601 City-County Building  
200 East Washington Street  
Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950).

*Dawn Anne Snider*

Dated: \_\_\_\_\_

JUN 20 2005

\_\_\_\_\_  
Clerk, Marion Circuit/Superior Court (Seal)

(The following manner of service of summons is hereby designated.)

**XXX Personal Service - See Return of Service on reverse side**

Michael L. Schultz, 20361-49  
Attorney for Plaintiff  
136 East Market Street  
Suite 1010  
Indianapolis, IN 46204  
317-637-9910  
317-637-9920 Fax  
mlslaw@sbcglobal.net

THE INDIANAPOLIS STAR  
INDYSTAR.COM

July 2, 2005

## Ex-worker files suit against utility

Fired employee says city's water company maintained system inadequately.

By John Fritze  
john.fritze@indystar.com  
July 2, 2005

A water utility worker fired for a malfunction that forced more than a million local residents to boil their tap water in January has filed a lawsuit blaming the utility's problems on inadequate maintenance.

Roger Edlin, 53, said the Jan. 6 boil advisory was the result of cost-cutting, such as delaying upkeep of filters and reducing the number of maintenance workers, not a data entry error as the company reported at the time.

The lawsuit comes as the water company has faced record demand in recent weeks and has twice asked residents to conserve water use. Officials said there is no water shortage, just a lack of pressure.

Indianapolis officials and a lawyer for Veolia Water Indianapolis, a private company that manages the city-owned utility, would not discuss the lawsuit directly but said maintenance has improved and that the city's water is safe.

Water utilities nationwide are making do with less and trimming budgets wherever possible, said Neil Grigg, a civil engineering professor and water expert at Colorado State University.

Cuts often include reducing the frequency of water monitoring or routine maintenance, he said. To make ends meet, companies inch closer to minimum standards set by government regulators.

"Cost-cutting and budget pressure is one of the big forces that's hitting the industry," Grigg said. "The question is, do we want to be at the minimums or do we want to have the water company doing better than the minimums?"

Edlin, who said he worked at the company for more than 20 years, said Veolia ignored warnings by him and other employees before January about maintenance conditions. Unless something is done, he added, more problems could arise.

During a routine sampling early Jan. 6, workers discovered that a mix of treatment chemicals was not correct. After the system was reset, water quality tests continued to show problems and, at 3:40 p.m., the company issued an advisory for residents to boil their tap water.

The advisory ended the next day, but not before area schools canceled or delayed classes for thousands of students and hospitals and other businesses switched to bottled water.

In a report released several days later, Veolia said the problem was caused by a data-entry error. Officials also said, in interviews, the employee responsible was fired.

But Edlin said a more complicated set of factors triggered the problem, including a decision to forgo maintenance on filters. He said two large reservoir tanks were off-line for maintenance that night. Those tanks, which the company acknowledged were out of service, could have been used to send treated water into the system.

Indianapolis Water serves about 290,000 homes and businesses in Marion County and