

## [Products Liability Law Daily Wrap Up, COMPLAINTS—INDUSTRIAL AND COMMERCIAL EQUIPMENT—D. Mass.: Proposed class action slams GE for alleged design defects in Fukushima nuclear plant, \(Nov. 21, 2017\)](#)

Products Liability Law Daily Wrap Up

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By Susan Engstrom

Several individuals, businesses, and medical clinics that were forced to relocate after a nuclear power plant in Fukushima, Japan, was hit by a tsunami have filed a putative class action complaint against General Electric Company, alleging that its defective design of the plant was directly responsible for the release of radioactive material into the environment in the wake of the natural disaster. According to the complaint, approximately 150,000 residents were evacuated from the area, and cleanup costs will amount to more than \$200 billion. In addition to demanding a jury trial, the plaintiffs seek compensatory and punitive damages (*Imamura v. General Electric Co.*, November 17, 2017).

The complaint alleged that although GE was aware of Fukushima's long-recorded history of large earthquakes and tsunamis, it intentionally selected and used a plant and reactor design that failed to protect against those risks. In addition, during construction of the plant, GE allegedly lowered the natural protective cliff at the site by more than 60 feet, thereby placing the entire plant unsafely close to the adjacent Pacific Ocean and well within known tsunami striking range.

In March 2011, the area was hit by an earthquake and a tsunami. According to the complaint, several of the reactors experienced flooding and resulting nuclear meltdowns, followed by three large hydrogen explosions, which caused a massive release of radioactive matter out of the GE-designed reactor containment vessels and into the surrounding environment, making much of the region uninhabitable and causing massive economic damage and ruin to the plaintiffs. The plaintiffs seek monetary damages from GE for the economic harm and property damage they incurred by virtue of the release of nuclear matter, which allegedly would not have occurred but for GE's wrongful conduct in defectively designing and manufacturing the reactors and the plant and in failing to warn the plaintiffs about those hazards at the time the plant was built. Among other things, the plaintiffs assert claims for negligence and strict products liability (manufacturing and design defects) against the company.

**Negligence.** In their negligence cause of action, the plaintiffs alleged that GE: negligently and recklessly failed to incorporate adequate safeguards into the design of its nuclear reactors to ensure that they could withstand the forces of earthquakes and tsunamis; negligently placed emergency backup diesel generators in locations that were easily flooded; failed to adequately warn its customers and residents of the risks associated with operating its reactors in relation to tsunami and earthquake protection issues; improperly placed seawater pumps in areas that made them susceptible to flooding and possible operational failures; and defectively designed cooling mechanisms.

**Strict liability-manufacturing defect.** The complaint also alleged that GE manufactured reactors that were unreasonably dangerous for the plant site and that they contained manufacturing defects when they left GE's possession. GE allegedly had actual and constructive knowledge that a radiation leak in the reactors would spread and cause injury to persons and property within the vicinity of the plant. The plaintiffs asserted that the manufacturing defects were substantial factors in causing their alleged injuries and harms.

**Strict liability-design defect.** In their strict products liability-design defect cause of action, the plaintiffs asserted, among other things, that GE defectively designed: the circulation pipes critical to the reactor's cooling system; the reactor buildings such that they were incapable of accommodating sufficient emergency equipment;

the reactor control room by failing to install backup batteries to provide power during emergencies; and the reactors in such a manner so that the control rods entered the reactor vessel through holes in the floor, thus facilitating a meltdown through the bottom of the reactor vessel.

The complaint also alleged that GE defectively designed the power plant by: failing to design an emergency cooling system that would allow fresh water to be pumped directly into the reactors; placing spent fuel pools at the top of the reactor buildings, making them susceptible to losing coolant water in the event of an earthquake and potentially exposing the spent fuel, risking an explosion; designing steam release valves that failed to open during the meltdown, thus contributing to the explosions and release of radioactive material; and failing to design the plant for "defense in depth" so that it would be able to withstand catastrophes even when several systems failed.

The plaintiffs contended that GE's defective design of the reactors and the power plant actually and proximately caused reasonably foreseeable damage to the class members.

**Other claims.** The complaint also asserted claims for strict liability-ultrahazardous activities, damage to real property, and violations of the Civil Code of Japan.

**Relief sought.** The plaintiffs demand a jury trial and seek monetary relief, punitive damages, attorney fees and costs, and pre- and post-judgment interest.

The case is No. [1:17-cv-12278-MBB](#).

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Companies: General Electric Co.

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