

**IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

IN RE: ALL ASBESTOS LITIGATION	)	
FILED BY SIMMONSCOOPER LLC	)	
Including:	)	
	)	
MALCOLM HENLEY,	)	NO. 07-L-1071
	)	
Plaintiffs,	)	
vs.	)	
	)	
PNEUMO ABEX CORPORATION, <i>et al.</i>	)	
	)	
Defendants.	)	

**PLAINTIFFS' MOTION FOR LEAVE TO SEEK PUNITIVE DAMAGES
AGAINST DEFENDANT PNEUMO ABEX LLC, SUCCESSOR-IN-INTEREST TO
ABEX CORPORATION**

Plaintiffs hereby move for leave to seek punitive damages against PNEUMO ABEX LLC, successor-in-interest to ABEX CORPORATION ("Abex"), said leave to apply to future cases pursuant to Section IV of the Madison County Standing Order, and in support thereof state:

1. Defendant Pneumo Abex LLC ("Abex") is the successor to Abex Corporation, which was incorporated as the American Brake Shoe and Foundry Company ("American Brake Shoe") in 1902. Abex is also the successor to the American Brakeblok Corporation.

2. Abex has admitted in answers to interrogatories that "knowledge of asbestos hazards...was basic to the Abex Occupational Health Program since 1941." *See Exhibit A hereto.*

3. In 1936, American Brake Shoe helped fund a study by Dr. Leroy Gardner of Saranac Lake concerning health hazards of asbestos. *See* 1936 Memorandum Agreement, *Exhibit B* (SCF-ALLF-00390) *hereto*. The results obtained were to be the property of the sponsors. *See*