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SUMMONS

TO: C.C. Smith ^{sent} 9/21
(copy?) KE

CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

CIVIL ACTION NO. CA-82-82-3821

ERNEST LEE STEVENS And

CAROLYN SUE STEVENS

Plaintiff

v.

Summons

UNION CARBIDE CORPORATION, a corporation;

_____ Serve Secretary of State

and FMC CORPORATION, a corporation,

Defendant

RECEIVED
SEP 21 1982
LAW
DEPARTMENT

To the above-named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and re-

quired to serve upon William C. Field plaintiff's attorney,
603 Virginia St., East

whose address is Charleston, WV 25301, an answer,

including any related counterclaim you may have, to the complaint filed against you in the above
styled civil action, a true copy of which is herewith delivered to you. You are required to serve

your answer within 30 days after service of this summons upon you, exclusive of the
day of service. If you fail to do so, judgment by default will be taken against you for the relief de-
manded in the complaint and you will be thereafter barred for asserting in another action any
claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: September 9, 1982

Phyllis Jean Cole
Clerk of Court

UCC 099298

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To: C. C. Smith

Service of this process ^{4 Complaints} accepted at my office in
nation
Charleston, State of West Virginia, on the 15
day of Sept, 19 82 on behalf of
Union Carbide Corporation
a foreign
corporation which has been authorized to do business in
this State in accordance with the provisions of Chapter
31, Article 1, Section 15 of the Code of West Virginia.

A. JAMES MANCHIN
Secretary of State

By Allen R. Kincaid

UCC 099299

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To: C.C. Smith

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

ERNEST LEE STEVENS and
CAROLYN SUE STEVENS,

Plaintiffs,

vs.

CA-82-3821

UNION CARBIDE CORPORATION,
a corporation; and FMC
CORPORATION, a corporation,

Defendants.

COMPLAINT

RECEIVED
SEP 20 1982
LAW
DEPARTMENT

The plaintiffs allege as follows:

1. At all times mentioned herein the plaintiff, Ernest Lee Stevens, is a resident and citizen of the County of Kanawha in the State of West Virginia.
2. That at all times mentioned herein, the defendants were engaged in the manufacturing of chemicals and chemical products and each had plants located in South Charleston, Kanawha County, West Virginia.
3. That each of the defendants' plants were located in close proximity to a residential section of Charleston, known as "North Charleston".
4. That at all times mentioned herein, and for at least ten years prior to the day of this complaint, the plaintiff, Ernest Lee Stevens, was a resident of "North Charleston" residing at 311 32nd Street.

UCC 099300

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To: C.C. Smith

5. That the defendant, Union Carbide Corporation, also had a tank car loading facility located adjacent to the residential area known as "North Charleston."

6. For the entire time that the plaintiff was a resident of "North Charleston," the defendant emitted dangerous chemicals and the residue of said chemicals into the air.

7. At all times mentioned herein, the defendants knew or should have known of the dangerous qualities of those emissions and that those chemicals and residues were hazardous to the health of those residents living in close proximity to their plants and tank facilities, including but not limited to the residents of "North Charleston."

8. That at all times mentioned herein, the said emissions constituted a nuisance.

9. That at all times mentioned herein, the defendants' acts were wilfull, wanton, malicious, and in reckless disregard of the plaintiffs' rights and the rights of others.

10. That at all times mentioned herein, the emissions were a direct and proximate result of the negligence of the defendants, which was joint, several, and concurrent.

11. As a direct and proximate result of the emissions of chemicals and residues of said chemicals, the plaintiff, Ernest Lee Stevens, contracted cancer.

12. That as a further consequence of the acts of the defendants as hereinabove described, the said plaintiff, Ernest Lee Stevens, has sustained:

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To: C.C. Smith

- (a) Pain and suffering, past and future; and
- (b) Medical expenses, past and future.

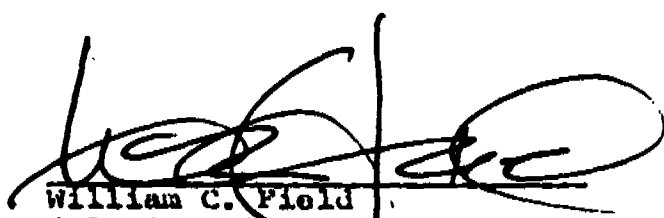
13. That the plaintiff, Carolyn Sue Stevens, is the wife of the plaintiff, Ernest Lee Stevens, and that the plaintiff, Carolyn Sue Stevens, in said capacity, has, as a result of the acts of the defendants, sustained great and irreparable loss in that she will be deprived for the remainder of her life of the society, companionship, consortium and services of her husband.

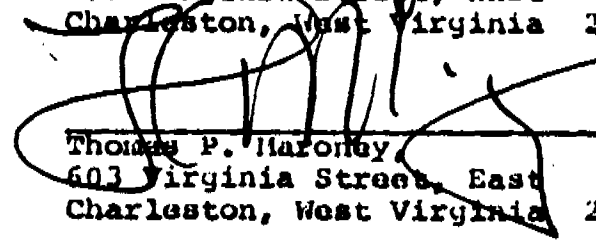
WHEREFORE, the plaintiff, Ernest Lee Stevens, demands judgment against the defendants for compensatory damages in the sum of Two Million Dollars (\$2,000,000.00), and for punitive damages in the sum of Two Million Dollars (\$2,000,000.00).

WHEREFORE, the plaintiff, Carolyn Sue Stevens, demands judgment against the defendants for compensatory damages in the sum of Five Hundred Thousand Dollars (\$500,000.00), and punitive damages in the sum of Five Hundred Thousand Dollars (\$500,000.00).

Plaintiffs demand that this cause be tried by a jury.

ERNEST LEE STEVENS and
CAROLYN SUE STEVENS
By Counsel


William C. Field
603 Virginia Street, East
Charleston, West Virginia 25301


Thomas P. Maroney
603 Virginia Street, East
Charleston, West Virginia 25301