STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

STATE OF MISSOURI

RITA B. KING,

Plaintiff,

-vs-

B.F. DRAKENFELD AND COMPANY,
a corporation,
45 Park Place
New York 7, New York
Serve: Secretary of State
Jefferson City, Missouri

and

MONSANTO CHEMICAL COMPANY,
a corporation,
Serve: C.T. Corporation Service
314 N. Broadway
St. Louis 2, Missouri,

Defendants.

No.

Div. No. 1

PETITION

COUNT I

Plaintiff, for cause of action in Count I of this Petition, states:

1. Defendant, B. F. DRAKENFELD AND COMPANY, (hereinafter called "Drakenfeld") is and was a foreign corporation duly organized and existing under law at all times hereinafter mentioned; as hereinafter more particularly alleged, DRAKENFELD has committed a tort against the person of Plaintiff, in the City of St. Louis, State of Missouri, and has thereby agreed that the Secretary of State of Missouri shall be its agent

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for the service of process, all as is provided in V.A.M.S., 1949, Section 351.630.

2. Defendant, MONSANTO CHEMICAL COMPANY (hereinafter called "Monsanto") is and at all times hereinafter mentioned was a corporation organized and existing under the Laws of the State of Delaware, having a registered agent and office in the City of St. Louis, State of Missouri, and having its principal place of business in the State of Missouri.

3. Defendant DRAKENFELD is engaged in the business of manufacturing, preparing and distributing into the channels of trade paints and enamels, and among the various products so distributed by said Defendant is an enamel known as 24-018 enamel in 487 oil.

4. Defendant MONSANTO is engaged in the business of manufacturing and preparing chemicals, chemical products, oils and thinners and distributing said products into the channels of trade, and among the various products so manufactured and distributed by said Defendant is the product known as Aroclor 4465.

5. Defendant DRAKENFELD prepares the aforesaid product 24-018 enamel in 487 oil, by combining various other materials with Monsanto's product Aroclor 4465.

6. Both Defendants herein did know and intend that said products would be used by the consuming public and would be handled, dealt with, touched and the fumes thereof would be inhaled by the public, and both Defendants placed said

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products in the channels of trade with such knowledge and intention.

7. Both Defendants herein did impliedly warrant and represent that the products 24-018 enamel in 437 oil, and Aroclor 4465 were fit and safe for such use by the public; but both Defendants and each Defendant knew that such products contained chlorinated biphenyls and chlorinated triphenyls, with a high amount of chlorination; said Defendants, and each of them, knew that said products would from time to time be heated or baked in ovens, and that use by the public of said products was likely to cause liver damage, skin eruptions, rashes, acne, cysts and dermatitis of various kinds.

8. Plaintiff, beginning in the year 1959 began to make use of said products in his employment with International Bent Glass Company, Inc. at St. Louis, Missouri, handling such products, touching the same, and inhaling the fumes thereof, all in reliance on the skill and judgment and aforesaid warranty of both Defendants, being wholly unaware of the toxic and dangerous qualities of such products.

9. After a period of such use of such products, the same, contrary to and in breach of the warranty of both Defendants, directly and proximately caused Plaintiff to become ill and diseased, in that Plaintiff suffered eruptions of Plaintiff's skin over and about Plaintiff's neck, shoulders, chest, back, buttocks, face, ears and eyelids, said areas have become covered with comedones, cysts, acne, infectious lesions,

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papules and a condition known as chloracne; Plaintiff's eyelids and periorbital skin became erythematous,, edematous and scaly; Plaintiff's liver was injured, damaged and diseased; these conditions are painful, irritating and embarrassing; all of said conditions are permanent.

10. Plaintiff has become obligated for large sums of money for medical attention for the aforesaid conditions and will become obligated for additional such sums in the future, in an amount not now ascertainable.

WHEREFORE, the premises considered, Plaintiff prays judgment against the Defendants and each of them, on this Count I of the petition for FORTY FIVE THOUSAND DOLLARS ($45,000.00), and for Plaintiff's costs.

COUNT II

Plaintiff for cause of action in Count II of this Petition states:

1. Plaintiff restates and realleges each and every allegation in paragraphs 1, 2, 3, 4, 5, and 6 of Count I of this petition.

2. Both Defendants and each of them knew, or in the exercise of ordinary care should have known that said products, containing highly chlorinated biphenyls and triphenyls, are, and for many years have been, known to be of a toxic and dangerous nature in that they were reasonably likely to cause abnormal reactions, skin eruptions, rashes, liver damage, dermatitis and diseases, and Defendants and each of them were

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under a duty to give an adequate warning of such [illegible] risks to the public who used such products, but [illegible] and each of them negligently breached said duty by failing and omitting to give an adequate warning of such [illegible] risks.

3. Plaintiff began to make use of such products in 1959 in her employment at St. Louis, Missouri with International Bent Glass Company, and as a direct and proximate result of the Defendants' negligence, Plaintiff was injured in those particulars alleged hereinabove in Count I, Paragraph 9.

4. Plaintiff restates and realleges each and every allegation in Count I, Paragraph 10.

WHEREFORE, the premises considered, Plaintiff prays judgment on this Count II of this Petition against the Defendants, and each of them, in the sum of **FORTY FIVE THOUSAND DOLLARS ($45,000.00) and for her costs.**

CARUTHERS AND MALTRAY

BY [illegible]
JOHN P. [illegible]
430 Paul Brown Bldg.
St. Louis 1, Missouri
Garfield 1-2777
ATTORNEYS FOR PLAINTIFF

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Form No. 75

Circuit Court for the City of St. Louis

State of Missouri

Rita B. King

Plaintiff

vs.

B. F. Drakenfeld & Co., et al

Defendant

No. 47804 2

Div. 1

SUMMONS

The State of Missouri to Defendant Monsanto Chemical Co., a Corp.

You are hereby summoned to appear before the above-named court and to file your pleading to the petition, copy of which is attached hereto, and to serve a copy of your pleading upon

Caruthers & Montrey attorneys for plaintiff,

whose address is 430 Paul Brown Bldg.

all 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 demanded in the petition.

Dated June 29, 19 62

PHELIM O'TOOLE
Circuit Clerk

By [signature]
Deputy Clerk

(Seal of Circuit Court)

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RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served the within summons:

(1) By delivering on the ..... day of ....., 19.....

a copy of the summons and a copy of the petition to each of the within-named defendants .....

.....

.....

.....

(2) By leaving on the ..... day of ....., 19.....

for each of the within-named defendants .....

.....

.....

a copy of the summons and a copy of the petition at the respective dwelling place or usual place of abode of said defendants with some person of his or her family over the age of 15 years;

(3) By .....

.....

.....

.....

.....

All done in ..... County, Missouri.

Sheriff's fees:

Summons ... $

Non est ... $

Mileage ... $

Total ... $

Sheriff of ..... County, Missouri.

By .....
Deputy Sheriff.

DIRECTIONS TO SHERIFF

A copy of the summons and a copy of the petition must be served on each defendant. For methods of service in all classes of suits see Sec. 27 Civil Code.

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No. 47804 E

Div. 1

SUMMONS
Civil Code, Form No. 1

In the Case of

.....
Plaintiff

vs.

.....
Defendant

In the Circuit Court of the
City of St. Louis
STATE OF MISSOURI

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