

Gen. No. 46266

IN THE LAKE SUPERIOR COURT  
OF HAMMOND COUNTY

LAWRENCE NELSON,  
Plaintiff,

vs.

THE INTERNATIONAL SHELTING  
AND REFINING COMPANY, a corp.,  
Defendant.

COMPLAINT FOR DAMAGES

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PNYC 00013191

STATE OF INDIANA )  
COUNTY OF LAKE ) SS

IN THE LAKE SUPERIOR COURT, JANUARY TERM,

1936

No. 46266

LAWRENCE NELSON,

PLAINTIFF,

-VS-

THE INTERNATIONAL SMELTING AND  
REFINING COMPANY, a corporation,

DEFENDANT,

COMPLAINT FOR DAMAGES

Plaintiff in the above entitled cause complains of the above named defendant, and for cause of action, alleges and says:

That for a long period of time prior to the 4th day of May, 1935, said defendant company was engaged, and is now engaged in the manufacture of white lead and other lead compositions and lead products, in the City of East Chicago, Lake County, Indiana and in the operation of its business and plants has maintained and operated departments and workshops for the manufacture of said products, and said rooms, departments and workshops were of enclosures of permanent structure, wherein defendant employed and required to work a large number of employees, approximately 400 men, including plaintiff, in the manufacture of said lead products.

That plaintiff, as an employee of said defendant company, in said rooms, shops and enclosures, in performance of his duties, was directed, ordered and required by defendant, by and through its agents and employees, to manufacture white lead, lead composition and lead products, and that said products were heated with intense heat, and that plaintiff, while so engaged in his work in defendant's said plant, was required to handle with his hands and

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to breathe and come in contact with poisonous and deleterious substances of lead, tin, zinc and compounds and mixtures thereof, and to be constantly exposed to said poisonous and deleterious compounds and mixtures thereof, the exact chemical contents of which plaintiff is not informed, but all of which are within the knowledge of the defendant, and that the handling of said substances and liquids by said workman, including plaintiff, was dangerous and detrimental to the lives and health of said workmen, all of which defendant, by the exercise of due care, should have known and did know.

That in the performance of plaintiff's duties so required by defendant company as aforesaid, there were produced and set free numerous, dangerous, poisonous, noxious, deleterious and deadly vapors, gases and fumes, including fumes of the lead, tin, zinc and other vapors, fumes and gases, the exact name and composition of which plaintiff is not informed, but which are known by the defendant company, which permeated the air of said enclosed rooms, departments and enclosures, and were constantly breathed by this plaintiff from day to day during the period of his work. That the products of said vapors, gases and fumes in said enclosures wherein plaintiff worked as aforesaid, was injurious to his health and dangerous to his life, all of which defendant, by the exercise of due care, should have known and did know.

That in said rooms and shops in which plaintiff, in the performance of his duties of his employment as aforesaid, was so required to work as aforesaid, defendant by and through its agents and employees, did not have and provide adequate and suitable hygenic equipment and conditions to prevent contact with said dangerous substances, vapors, gases and fumes to enable plaintiff to adequately cleanse himself. That defendant, as aforesaid, required and permitted plaintiff to keep food and to eat his lunches therein, without any adequate provisions to keep such food from becoming contaminated with said gases, vapors, fumes and said substances, and that defendant, as aforesaid, required and permitted

plaintiff to wear his clothing worn by plaintiff for ordinary street use into and from said rooms and shops, without complete change, in so doing all of which was dangerous to plaintiff's health and imperilled plaintiff's life, and which defendant company, by the exercise of due care, should have known and did know.

That plaintiff was employed by defendant company as aforesaid from on or about March 12, 1928, until or about May 4, 1935. That defendant, as aforesaid, while plaintiff was so employed by it, unlawfully and negligently failed to use every device, care and precaution that was practicable and possible to use for the protection and safety of plaintiff, without impairing the reasonable efficiency of said departments, workshops and enclosures, structures, ways, work, building, factory, machinery and appliances and other devices and materials and any devices and materials, and any devices and materials therein used without regard to additional cost of suitable materials and safety, appliances, safe conditions and operations, with first concern for the safety of plaintiff's life and health.

That by reason of the premises, plaintiff became ill from inhaling and coming in contact with said poisonous and deleterious substances of lead, tin, zinc and other compounds and mixtures, and that plaintiff's head, legs, arms, tissues, ligaments, muscles, nerves, and body in all of their parts have become saturated with lead and lead poisoning. That by reason of said lead poisoning, plaintiff suffered cerebral-hemorrhage and become paralyzed on the left side, and has been permanently injured, and will never be able to work again at a gainful occupation, and all on account of defendant company's carelessness and negligence as aforesaid, and was not caused by any negligence or negligent acts of plaintiff. That then and there and thereby plaintiff has been damaged in the sum of Fifty Thousand Dollars.

That plaintiff has alleged the matters and facts herein as particularly as they are within his knowledge, that defendant has

full knowledge of said facts, and plaintiff asks the Court to be released from attempting to allege them more specifically.

WHEREFORE, Plaintiff prays judgment against the defendant company for the sum of Fifty Thousand Dollars (\$50,000.00), for his costs herein, and for all further and proper relief.

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Attorneys for plaintiff.

SECOND PARAGRAPH

For a second and further paragraph of complaint, plaintiff complains of the defendant, and alleges and says:

That for a long period of time prior to the 4th day of May, 1935, said defendant company was engaged, and is now engaged in the manufacture of white lead and other lead compositions and lead products, in the City of East Chicago, Lake County, Indiana, and in the operation of its business and plants has maintained and operated departments and workshops for the manufacture of said products, and said rooms, departments and workshops were of enclosures of permanent structure, wherein defendant employed and required to work a large number of employees, approximately 400 men, including plaintiff, in the manufacture of said lead products. Plaintiff, as an employee of said defendant company in said rooms, shops and enclosures, in performance of his duties, was directed, ordered and required by defendant, by and through its agents and employees, to manufacture white lead, lead composition and lead products, and that said products were heated with intense heat, and that plaintiff, while so engaged in his work in defendant's said plant, was required to handle with his hands and to breathe and come in contact with poisonous and deleterious substances of lead, tin, zinc and compounds and mixtures thereof, and to be constantly exposed to said poisonous and deleterious compounds

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and mixtures thereof, the exact chemical contents of which plaintiff is not informed, but all of which are within the knowledge of the defendant, and that the handling of said substances and liquids by said workmen, including plaintiff, was dangerous and detrimental to the lives and health of said workmen, all of which defendant, by the exercise of due care, should have known and did know.

That in the performance of plaintiff's duties so required by defendant company as aforesaid, there were produced and set free numerous, dangerous, poisonous, noxious, deleterious and deadly vapors, gases and fumes, including fumes of the lead, tin, zinc and other vapors, fumes and gases, the exact name and composition of which plaintiff is not informed, but which are known by the defendant company, which permeated the air of said enclosed rooms, departments and enclosures, and were constantly breathed by this plaintiff from day to day during the period of his work. That the products of said vapors, gases and fumes in said enclosures wherein plaintiff worked as aforesaid, was injurious to his health and dangerous to his life, all of which defendant, by the exercise of due care, should have known and did know.

That in said rooms and shops in which plaintiff in the performance of his duties of his employment as aforesaid, was so required to work as aforesaid, defendant by and through its agents and employees, did not have and provide adequate and suitable hygienic equipment and conditions to prevent contact with said dangerous substances, vapors, gases and fumes to enable plaintiff to adequately cleanse himself. That defendant, as aforesaid, required and permitted plaintiff to keep food and to eat his lunches therein, without any adequate provisions to keep such food from becoming contaminated with said gases, vapors, fumes and said substances, and that defendant, as aforesaid, required and permitted plaintiff to wear his clothing worn by plaintiff for ordinary street use into and from said rooms and shops, without complete change, in so doing all of which was dangerous to plaintiff's health and im-

perilled plaintiff's life, and which defendant company, by the exercise of due care, should have known and did know.

That defendant company, as aforesaid, while plaintiff was so employed by it, unlawfully and negligently failed to provide in less than two-hundred fifty (250) feet of airspace for each person, including plaintiff, so employed in said departments, workshops and rooms thereof, between six o'clock in the morning and six o'clock in the evening.

That by reason of the premises, plaintiff became ill from inhaling and coming in contact with said poisonous and deleterious substances of lead, tin, zinc and other compounds and mixtures, and that plaintiff's head, legs, arms, tissues, ligaments, muscles, nerves and body in all of their parts have become saturated with lead and lead poisoning. That by reason of said lead poisoning, plaintiff suffered cerebral-hemorrhage and become paralyzed on the left side, and has been permanently injured, and will never be able to work again at a gainful occupation, and all on account of defendant company's carelessness and negligence as aforesaid, and was not caused by any negligence or negligent acts of plaintiff. That then and thereafter by plaintiff has been damaged in the sum of Fifty Thousand (\$50,000.00) Dollars.

That plaintiff has alleged the matters and facts herein as particularly as they are within his knowledge, that defendant has full knowledge of said facts, and plaintiff asks the Court to be released from attempting to allege them more specifically.

WHEREFORE, Plaintiff prays judgment against the defendant company for the sum of Fifty Thousand Dollars (\$50,000.00), for his costs herein, and for all further and proper relief.

Todd & Slaughter  
Attorneys for Plaintiff

THIRD PARAGRAPH

For a third and further paragraph of complaint, plaintiff

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complains of the defendant, and alleges and says:

That for a long period of time prior to the 4th day of May, 1935, said defendant company was engaged, and is now engaged in the manufacture of white lead and other lead compositions and lead products, in the City of East Chicago, Lake County, Indiana, and in the operation of its business and plants has maintained and operated departments and workshops for the manufacture of said products, and said rooms, departments and workshops were of enclosures of permanent structure, wherein defendant employed and required to work a large number of employees, approximately 400 men, including plaintiff, in the manufacture of said lead products.

That plaintiff, as an employee of said defendant company, in said rooms, shops and enclosures, in performance of his duties, was directed, ordered and required by defendant, by and through its agents and employees, to manufacture white lead, lead composition and lead products, and that said products were heated with intense heat, and that plaintiff, while so engaged in his work in defendant's said plant, was required to handle with his hands and to breathe and come in contact with poisonous and deleterious substances of lead, tin, zinc and compounds and mixtures thereof, and to be constantly exposed to said poisonous and deleterious compounds and mixtures thereof, the exact chemical contents of which plaintiff is not informed, but all of which are within the knowledge of the defendant, and that the handling of said substances and liquids by said workmen, including plaintiff, was dangerous and detrimental to the lives and health of said workmen, all of which defendant, by the exercise of due care, should have known and did know.

That in the performance of plaintiff's duties so required by defendant company as aforesaid, there were produced and set free numerous, dangerous, poisonous, noxious, deleterious and deadly vapors, fumes and gases, including fumes of the lead, tin, zinc and

other vapors, fumes and gases, the exact name and composition of which plaintiff is not informed, but which are known by the defendant company, which permeated the air of said enclosed rooms, departments and enclosures, and were constantly breathed by this plaintiff from day to day during the period of his work. That the products of said vapors, gases and fumes in said enclosures wherein plaintiff worked as aforesaid, was injurious to his health and dangerous to his life, all of which defendant, by the exercise of due care, should have known and did know.

That in said rooms and shops in which plaintiff in the performance of his duties of his employment as aforesaid, was so required to work as aforesaid, defendant by and through its agents and employees, did not have and provide adequate and suitable hygienic equipment and conditions to prevent contact with said dangerous substances, vapors, gases and fumes to enable plaintiff to adequately cleanse himself. That defendant, as aforesaid, required and permitted plaintiff to keep food and to eat his lunches therein, without any adequate provisions to keep such food from becoming contaminated with said gases, vapors, fumes and said substances, and that defendant, as aforesaid, required and permitted plaintiff to wear his clothing worn by plaintiff for ordinary street use into and from said rooms and shops, without complete change, in so doing all of which was dangerous to plaintiff's health and imperilled plaintiff's life, and which defendant company, by the exercise of due care, should have known and did know.

That defendant company, as aforesaid, while plaintiff was so employed by it, not wholly in the open air but enclosures as aforesaid, wherein said dangerous, noxious and deleterious gases, fumes and vapors, as aforesaid accumulated, unlawfully and negligently failed and neglected to supply plaintiff with a serviceable or any gas masks.

That by reason of the premises, plaintiff became ill from

inhaling and coming in contact with said poisonous and deleterious substances of lead, tin, zinc and other compounds and mixtures, and that plaintiff's head, legs, arms, tissues, ligaments, muscles, nerves and body in all of their parts have become saturated with lead and lead poisoning. That by reason of said lead poisoning, plaintiff suffered cerebral-hemorrhage and become paralyzed on the left side, and has been permanently injured, and will never be able to work again at a gainful occupation, and all on account of defendant company's carelessness and negligence as aforesaid, and was not caused by any negligence or negligent acts of plaintiff. ~~That~~ then and there and thereby plaintiff has been damaged in the sum of Fifty Thousand (\$50,000.00) Dollars.

That plaintiff has alleged the matters and facts herein as particularly as they are within his knowledge, that defendant has full knowledge of said facts, and plaintiff asks the Court to be released from attempting to allege them more specifically.

WHEREFORE, Plaintiff prays judgment against the defendant company for ~~the sum of~~ Fifty Thousand (\$50,000.00) Dollars, for his costs here ~~in~~ and all further and proper relief.

Todd & Slaughter  
Attorneys for Plaintiff