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Attorneys For

JOHN PETERSON and SHIRLEY MAE PETERSON, his wife	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX COUNTY
Plaintiff(s),	:	DOCKET NO. L-060148-87
vs:	:	CIVIL ACTION
UNION CARBIDE CORPORATION	:	AMENDED COMPLAINT AND JURY DEMAND
Defendant(s)	:	

The Plaintiff(s), residing at 694 Brace Avenue, Perth Amboy, County of Middlesex, New Jersey complaining of the defendants say that:

FIRST COUNT

1. The plaintiff, John Peterson, was formerly employed by a corporation in the State of New Jersey and more particularly located in the City of Perth Amboy, County of Middlesex and known as the Amboy Terminaling Company and prior thereto known as the O.T.D. Terminals Corporation. Said plaintiff was employed upon the premises of said Amboy Terminaling Company for a period of 19 years from June of 1967 to and through October of 1986, and while working for said corporation was constantly exposed to noxious.

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dangerous, toxic and carcinogenic materials known as "polyvinyl chloride; vinyl chloride; polyethylene; polyurethane; polystyrene; isopropilidene bisphenol resins, and phenols; heavy equipment machinery lubricants and fuels; and was further exposed to fumes from the heat sealer in the vinyl resin bag packing bay.

2. The plaintiff herein worked in close proximity to this material some being in a pellet and powder form and as a result of his constant exposure was caused to incur an internal cancerous condition in his respiratory tract. He was not aware and never made aware of the toxicity and dangers of the products to which he was exposed.

3. The defendant, Union Carbide, did manufacture, package, ship and sell these products to the employer of the plaintiff herein in the City of Perth Amboy, County of Middlesex and State of New Jersey, and at all times failed to label the products in such manner as to set forth its intrinsic and inherent dangers to the life and health of the plaintiff herein. This defendant was negligent in failing to prepare the plaintiff with notice and knowledge directly or in writing or in any manner or form, to alert said plaintiff of the dangers of said products and his exposure thereto.

4. As a direct and proximate result of the negligence of the defendant aforesaid, the plaintiff was caused to suffer serious and permanent injuries to his body and internal organs; was caused to undergo severe pain and emotional stress, as well as physical stress and will forever in the future suffer from these injuries aforesaid. He was further caused to incur medical

expenses and other losses and will also suffer from these losses for the remaining days of his life.

WHEREFORE, the plaintiff, John Peterson, hereby demands judgment against the defendant on this count plus interest and costs of suit.

SECOND COUNT

1. The plaintiff, John Peterson, repeats the allegations contained in the first count as if the same were set forth more fully herein and made a part hereof.

2. The defendant herein did ship and transport these products to the factory and plant where the plaintiff was employed knowing said plaintiff would be handling and working with these products and would be exposed to the effects of said products and further that this plaintiff would use and handle these products in the manner and form without change as said products left the plant of said defendant. This plaintiff caused to suffer the injuries set forth as a result of this exposure, and said defendant is strictly liable to the plaintiff on this count.

WHEREFORE, the Plaintiff, John Peterson, hereby demands judgment against the defendant on this count.

THIRD COUNT

1. The plaintiff, John Peterson, repeats the allegations contained in the First and Second Counts as if the same were set forth herein and made part hereof.

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2. This defendant did expressly and impliedly warrant said products to be used and handled with safety, and accordingly, plaintiff was exposed to said products with the subsequent deleterious effects, and said defendant did fail to maintain its warranty to the plaintiff.

WHEREFORE, the Plaintiff, John Peterson, hereby demands judgment against the defendant on this count.

FOURTH COUNT

1. The Plaintiff, Shirley Mae Peterson, repeats the allegations contained in the above Counts as if the same were set forth herein and made part hereof.

2. At the time and place aforesaid and at the present time, she is the wife of said Plaintiff, John Peterson, and in that capacity was caused to lose the love, services and consortium of her husband as a result of his injuries and will forever in the future be caused to suffer as a result thereof.

WHEREFORE, the plaintiff, Shirley Mae Peterson, hereby demands judgment against the defendant on this count.

PLEASE TAKE NOTICE that the Plaintiff(s), pursuant to R.4:35-1, demands a trial by jury as to all issues.

CERTIFICATION

I hereby certify that this matter is not the subject matter of any other suit presently pending in any other Court or in any American Arbitration proceedings. At this time, no other Court proceeding or American Arbitration proceeding is contemplated.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that attorney, ALFRED A. LEVINSON, Esquire is hereby designated as trial counsel in the above-captioned litigation for the firm of Levinson, Axelrod, Wheaton & Grayzel, Esquires, pursuant to R.4:25-4.

STATEMENT OF DAMAGES

Pursuant to R.4:5-2, the Plaintiff's Statement of Damages claimed is in the amount of \$1,000,000.00.

LEVINSON, AXELROD, WHEATON & GRAYZEL
Attorneys for Plaintiff(s)

BY: 

ALFRED A. LEVINSON, member of firm

Dated: April 5, 1989

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