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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.

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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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- (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.

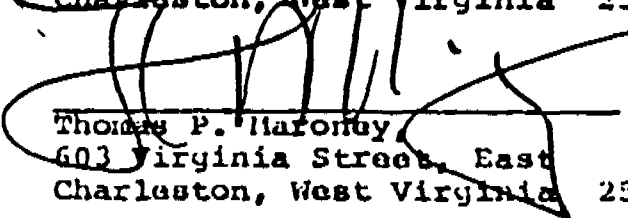
WHEREFORE, the plaintiff, Ernest Lee Stevens, demands judgment against the defendants for compensatory damages in the sum of Two Million Dollars (\$2,000,000.00), and for punitive damages in the sum of Two Million Dollars (\$2,000,000.00).

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

  
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