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ATTORNEYS FOR PLAINTIFF(S)

Plaintiff(s)

MARIA SEORT, Administratrix ad prosequendum,
etc., et al

vs.

Defendant(s)

WITCO ONE COAL CO., et al

**SUPERIOR COURT
OF NEW JERSEY**

LAW DIVISION

BERGEN COUNTY

Docket No. L 88130-77

**CIVIL ACTION
Summons**

JRL 14428

U. S. RUBBER CO.
NAUGATUCK DIVISION

The State of New Jersey, to the Above Named Defendant(s):

YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiff(s), and required to serve upon the attorney(s) for the plaintiff(s), whose name and office address appears above, an answer to the annexed complaint within 20 days after the service of the summons and complaint upon you, exclusive of the day of service. If you fail to answer or appear in accordance with Rule 4:4-6, judgment by default may be rendered against you for the relief demanded in the complaint. You shall promptly file your answer or appearance and proof of service thereof in duplicate with the Clerk of the Superior Court, State House Annex, Trenton, New Jersey 08625, in accordance with the rules of civil practice and procedure.

Dated: APRIL 13, 1978

W. Lewis LaBrie
Clerk of the Superior Court

Name of defendant to be served: U.S. Rubber Co.
Address for service: Naugatuck Division
Naugatuck, Connecticut

FILED
WITH THE COURT

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Attorneys for Plaintiffs

THEODORE W. TRAUTWEIN
Assignment Judge, Bergen County
HACKENSACK, N. J.

MARIA SZORF, Administratrix ad
prosequendum and General Administratrix)
of the Estate of JOHN SZORF, and
ANNELLA BRIGGS, Administratrix ad
prosequendum and General Administratrix
of the Estate of LESLIE BRIGGS)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO:

Plaintiffs)

CIVIL ACTION

vs.)

COMPLAINT

WITCO CHEMICAL CO., CALCO CHEMICAL
CO., THE HARSHAW CHEMICAL CO.,
EASTMAN CHEMICAL CO., B.F. GOODRICH,
BAKELITE CORP., DIAMOND ALKALIC CO.,
STONE-MUELLER CO., SHELL CHEMICAL
CO., ENJOY CORP., AMERICAN CYANAMID
CO., E.I. DUPONT, UNION CARBIDE CORP.,
COLUMBIAN CARBON CORP., ROHM & HAAS,
NUODEX PRODUCTS CO., ARGUS CHEMICAL,
U.S. RUBBER CO., BORDEN CHEMICAL CO.,
PFIZER CHEMICAL, MONSANTO CHEMICAL
CO., McKESSON & ROBBINS, AMERICAN
HOESCHT, NATIONAL STARCH, INMONT
CHEMICAL, GARDENER SURGICAL CO.,
MONMOUTH PAPER CO., AETNA CHEMICAL
CO., LEO UHLFELDER CO., VENTRON CORP.,
DeGUSSA, INC., SUN CHEMICAL CO.,
IMPERIAL PAPER & COLOR CO., ALCAN
METAL POWDERS, CIBA-GEIGY CORP.,
GENERAL ELECTRIC CORP., AMSCO
DIVISION OF UNION OIL COMP. OF
CALIF., ESSO STANDARD OIL, ALLIED
CHEMICAL CO., COMMERCIAL SOLVENTS,
NATIONAL AUTOMATIVE FIBRES, GLYCO
PRODUCTS,, HERCULES, INC.
RICHARD ROE CORPORATIONS, NUMBERS
1 THROUGH 100, VARIOUS MANUFACTURERS,
DISTRIBUTORS AND SUPPLIERS OF OTHER
PRODUCTS)

Defendants)

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JOHN DEMAND
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Plaintiffs MARIA SZORF, Administratrix ad prosequendum and General Administratrix of the Estate of John Szorf, residing at 49 DeWitt Street, Garfield, New Jersey and ANNELLA BRIGGS, Administratrix ad prosequendum and General Administratrix of the Estate of Leslie Briggs, residing at 21 Spring Garden Lane, Garfield, New Jersey, says:

FIRST COUNT

1. On or about 1963 through 1976 the decedent John Szorf was in the employ of Stauffer Chemical Co., Passaic, New Jersey.
2. During that period of time the decedent was exposed to certain chemicals manufactured, supplied or delivered by the defendants, or each of them.
3. As a result of the exposure to certain chemicals at his place of employ, the decedent sustained devastating and permanent injuries, pain, emotional distress and disability and eventually death. As a result of this, his earning capacity was destroyed during his life until death.
4. The defendants, at times material to the Complaint herein, supplied and arranged for delivery to Stauffer Chemical Co. for use in its Passaic plant, certain chemicals including solvents, varnishes, lacquers, enamels, paints, vinyl solutions and other chemicals to be used by Stauffer Chemical Co. in the manufacturing and printing procedures carried out in its plant.

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5. The defendant, B.F. Goodrich Chemical Co., has its place of business at 6100 Oak Tree Boulevard, Cleveland, Ohio and was the manufacturer, supplier or distributor of HYCAR-1432 (copolymer of Butadiene and Acrylonitrile).

6. The defendant Ventron Corp. has its place of business at Congress Street, Beverly, Massachusetts and was the manufacturer, supplier or distributor of Vinyzene BP-5 (10-10 Oxybisphenoxarsine).

7. The defendant E.I. DuPont has its place of business at 1007 Market Street, Wilmington, Delaware and was the manufacturer, supplier or distributor of RT-791 Red (Quinacridone), R-915 White, RT-739 Red (Quinacridone), F-900 White, RT-790 Red (Quinacridone), KY-7950 Medium Yellow, KY-789, KY-790 D Rim Yellow, BT-33D Blue, Green YT 562 D, Orange YE-421D.

8. The defendant, E.I. DuPont, Electric Chemical Div. has its place of business at 350 - 5th Avenue, New York, N.Y. and was the manufacturer, supplier or distributor of Tetrahydrofuran, DMF - Dinethyl Fornamide Technical.

9. The defendant, E.I. DuPont has its place of business at the Empire State Building, New York, New York and was the manufacturer, supplier or distributor of Cyclohexanone (Ketones), Green GT 7100.

10. The defendant DeGussa, Inc. has its place of business at 2 Pennsylvania Avenue, New York, New York and was the

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manufacturer, supplier or distributor of Printex 140 (Carbon).

11. The defendant Stoney-Mueller Co. has its place of business at Page & Newark Avenues, Lyndhurst, New Jersey and was the manufacturer, supplier or distributor of Acetone (Ketones), Toluene (Aromatics C₇H₈), MEK (Ketone), Cyclohexanone (Ketones), LZ 407 (Slo thinners) and M.I.B.K. (Ketone).

12. The defendant The Harshaw Chemical Co. has its place of business at 1945 East 97th Street, Cleveland, Ohio and was the manufacturer, supplier or distributor of 2502 Orange, 2702 Yellow, 2703 Yellow and Antimony Oxide.

13. The defendant The Harshaw Chemical Co. has its place of business at South Side Avenue, Hastings-on-the Hudson, New York and was the manufacturer, supplier or distributor of Antimony Oxide KR-6TS.

14. The defendant Rohm & Haas has its place of business at Independence Mall West, Philadelphia, Pennsylvania and was the manufacturer, supplier or distributor of Polyco A-101 (Acrylate polymer solution).

15. The defendant Calco Chemical Co. has its place of business at 43 West 38th Street, New York, New York and was the manufacturer, supplier or distributor of Titanium, BNF 55-3750 (Copper phthalocyanine), Unitone OR-342, 15-3100 Green (Chlorinated copper phthalocyanine), Blue GT-55-3300.

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16. The defendant Sun Chemical Co. has its place of business at 4526 Chickering Avenue, Cincinnati, Ohio and was the manufacturer, supplier or distributor of 264-8142 Green, 249-2365

17. The defendant Hercules, Inc. has its place of business in Wilmington, Delaware and was the manufacturer, supplier or distributor of Y-1937 Yellow (Chrome Yellow - lead chromate lead sulfate), Y-1810 Yellow.

18. The defendant Imperial Paper & Color Co. has its place of business at 515 Madison Avenue, New York, New York and was the manufacturer, supplier or distributor of Y-1937 Yellow (Chrome Yellow - lead chromate lead sulfate), Y-1810 Yellow.

19. The defendant Union Carbide Corp. has its place of business at 270 Park Avenue, New York, New York and was the manufacturer, supplier or distributor of VYNS (Vinyl Solution Resins), VMCH, VYHH, M.I.B.K. (Ketone).

20. The defendant Bakelite Corp. has its place of business at 1051 Bloomfield Avenue, Clifton, New Jersey and was the manufacturer, supplier or distributor of VYNS (Vinyl Solution Resins), VMCH, VAGH, VYHH.

21. The defendant Alcan Metal Powders has its place of business at P.O. Box 290, Elizabeth, New Jersey and was the manufacturer, supplier or distributor of MD-3100 (Aluminum powder).

22. The defendant Ciba-Geigy Corp. has its place of business at Saw Mill River Road, Ardsley, New York and was the manufacturer, supplier or distributor of 3RLT Yellow (Tetrachloroisindolinone derivates), 2 GLT-Yellow (Tetrachloroisodolinone derivative).

23. The defendant Allied Chemical Co. has its place of business at 550 Belmont Avenue, Hawthorne, New Jersey and was the manufacturer, supplier or distributor of R-6500 Red, MV-6606 (Pigment Red 88), R-6258 (Pyrazolone Red).

24. The defendant Commercial Solvents has its place of business at 196-202 Blanchard Street, Newark, New Jersey and was the manufacturer, supplier or distributor of Butyl Bactate.

25. The defendant National Automotive Fibres has its place of business at 1851 East State Street, Trenton, New Jersey and was the manufacturer, supplier or distributor of Nidlyn 23.

26. The defendant Glyco Products has its place of business at the Empire State Building, New York, New York and was the manufacturer, supplier or distributor of Polyetheline Cyclo 400 (Mono Oleate).

27. The defendant Witco Chemical Co. has its place of business at 122 East 42nd Street, New York, New York and was the manufacturer, supplier or distributor of Polyetheline Cyclo 400 (Mono Oleate), Witcarb R.

28. The defendant B.F. Goodrich has its place of business at Harmon Color Division, Hawthorne, New Jersey and

was the manufacturer, supplier or distributor of Red R-93, MB-11 Maroon, R-6258 (Pyrazolone Red), MV-6608 Maroon.

29. The defendant Diamond Alhalic Co. has its place of business at 99 Park Avenue, New York, New York and was the manufacturer, supplier or distributor of Multiflex MM.

30. The defendant Shell Chemical Co. has its place of business at 10 Commerce Street, Newark, New Jersey and was the manufacturer, supplier or distributor of MEK (Ketone).

31. The defendant Enjoy Corp. has its place of business at 15 West 51st Street, New York, New York and was the manufacturer, supplier or distributor of MEK (Ketone).

32. The defendant American Cyanamid Co. has its place of business at Boundbrook, New Jersey and was the manufacturer, supplier or distributor of BNF-3754 Blue (Copper Phthalocyanine), OR-580 White, BNF 55-3750 (Copper phthalocyanine), 15-3100 Green (Chlorinated copper phthalocyanine), 55-340 Blue.

33. The defendant Columbian Carbon Corp., Color Division, has its place of business at 38 Madison Avenue, New York, New York and was the manufacturer, supplier or distributor of Lonimy Black.

34. The defendant Rohm & Haas has its place of business in Oradell, New Jersey and was the manufacturer, supplier or distributor of Paraplex 6-62.

35. The defendant Nuodax Products Co., Division of Hayden Chemical Co. has its place of business at 342 Madison

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Avenue, New York, New York and was the manufacturer, supplier or distributor of Nuodex VT.

35. The defendant Argus Chemical has its place of business at 633 Court Street, Brooklyn, New York and was the manufacturer, supplier or distributor of the chemical known as Mark N.

37. The defendant U.S. Rubber Co., Naugatuck Division, has its place of business at Naugatuck, Connecticut and was the manufacturer, supplier or distributor of Marvinol VR-10.

38. The defendant Pfizer Chemical has its place of business at 230 Brighton Road, Clifton, New Jersey and was the manufacturer, supplier or distributor of Purecal-U (Calcium Carbonate).

39. The defendant Monsanto Chemical Co. has its place of business at 445 Park Avenue, New York, New York and was the manufacturer, supplier or distributor of Santocal, Opalon 410 Resin, Santizer 624.

40. The defendant McKesson & Robbins has its place of business at 160 Essex Avenue East, Avenel, New Jersey and was the manufacturer, supplier or distributor of Santocal, Santocel CX.

41. The defendant American Hoescht has its place of business at Route 202, 206 North, Somerville, New Jersey and was the manufacturer, supplier or distributor of OV 5983 Orange (Anthra Quinone).

42. The defendant B.F. Goodrich Chemical Co. has its place of business at 415 Madison Avenue, New York, New York and

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was the manufacturer, supplier or distributor of Geon -121.

43. The defendant National Starch has its place of business at 10 Findern Avenue, Bridgewater, New Jersey and was the manufacturer, supplier or distributor of Adhesive 72-1198.

44. The defendant Inmont Chemical has its place of business at 200 Gregg Street & Route 17, Lodi, New Jersey and was the manufacturer, supplier or distributor of E-17025 WAX.

45. The defendant Gardener Surgical Co. has its place of business at 382 Broadway, Brooklyn, New York and was the manufacturer, supplier or distributor of Protex Hand Cream (Dupont).

46. The defendant Monmouth Paper Co. has its place of business at 506 Jersey Avenue, North Brunswick, New Jersey and was the manufacturer, supplier or distributor of Wise Old Owl Hand Soap Borax.

47. The defendant Leo Uhlfelder Co. has its place of business at 420 South Fulton, Mt. Vernon, New York and was the manufacturer, supplier or distributor of Aluminum Powder.

48. The defendant Aetna Chemical Co. has its place of business at Van Riper Avenue, Elmwood Park, New Jersey and was the manufacturer, supplier or distributor of Puracal-U.

49. The defendant General Electric Corp., Silicone Division, has its place of business at Waterford, New York and was the manufacturer, supplier or distributor of Silicone Oil SF-96.

50. The defendant AMSCO Division, Union Oil Comp. of Calif. has its place of business at 3100 S. Meacham Road, Palatine, Illinois and was the manufacturer, supplier or distributor of Lactol Spirits (Petroleum Hydro-carbon Fraction).

51. The defendant Esso Standard Oil has its place of business at North Broad Street, Elizabeth, New Jersey and was the manufacturer, supplier or distributor of Toluene (Aromatics C7H8).

52. The defendant Eastman Chemical Co. has its place of business at Kingsport, Tennessee and was the manufacturer, supplier or distributor of Half-Second Butyrate (Cellulose Acetate Butyrate EAB-381), EAB-171-2 (Cellulose Acetate Butyrate EAB-171).

53. The defendant Borden Chemical Co. has its place of business at Peabody, Massachusetts and was the manufacturer, supplier or distributor of Polyco P-413.

54. The defendant Richard Roe Corporations, Numbers 1 through 100 were various manufacturers, suppliers or distributors of chemicals and other products used at the Stauffer Chemical Company during all times mentioned in the Complaint.

55. That at all times herein the duties of the decedent at the Stauffer Chemical Co. plant were such as to cause him to be exposed to certain chemicals as enumerated herein above.

56. That defendants, or each, of them negligently failed to warn the plaintiffs of the dangers inherent in the intended

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use of their products and failed to give adequate warnings by label or otherwise as to the extent of the hazards implicit in the use of their products.

57. That defendants or each of them negligently, carelessly and recklessly failed and omitted to instruct the Stauffer Chemical Co. of the necessary and adequate precautions and devices which were necessary to use the defendants products on a continuing basis, so as to avoid injury.

58. The defendants are strictly liable to the plaintiffs under the Doctrine of Strict Liability as it exists in New Jersey.

59. The defendants breached various warranties of fitness for a particular purpose to plaintiffs and to Stauffer Chemical Co.

60. The defendants breached various implied warranties to plaintiffs and to Stauffer Chemical Co.

61. The defendants manufactured their products in a negligent manner.

62. By reason of the defendants' negligence, carelessness and recklessness the decedents were caused to contract and suffer cancer.

63. As a result of the negligence of the defendants in their agents, servants or employees, the decedents were seriously injured as a result of which injuries decedents died.

64. As a result of the death of the decedents, next of

kin have lost large sums of money for which this action is brought.

65. This action is commenced within two years of the date of death of decedents.

66. This action is commenced pursuant to N.J.S.A. 2A:31-1.

WHEREFORE, plaintiff Maria Szorf as Administratrix ad prosequendum of the Estate of John Szorf, deceased, demands judgment against the defendants, or each of them, for money, damages plus interest and costs of suit.

SECOND COUNT

1. The plaintiff, Maria Szorf, Administratrix ad prosequendum and General Administratrix of the Estate of John Szorf, deceased, repeats the allegations of Paragraphs 1 through 56 of the First Count, as though more fully set forth herein.

2. As a result of the above negligent acts, the decedent was caused great pain and suffering and death.

WHEREFORE, the plaintiff Maria Szorf, General Administratrix of the Estate of John Szorf, deceased, demands judgment against the defendants together with interest and costs of suit.

THIRD COUNT

1. On or about April 1956 through April 1976 the decedent, Leslie Briggs, was in the employ of Stauffer Chemical Co., Passaic, New Jersey

2. The plaintiff, Annella Briggs, Administratrix ad prosequendum and General Administratrix of the Estate of Leslie Briggs, deceased, repeats the allegations of Paragraphs 2 through 66 of the First Count as though more fully set forth herein.

WHEREFORE, plaintiff, Annella Briggs, as Administratrix ad prosequendum of the Estate of Leslie Briggs, deceased, demands judgment against the defendants, or each of them, for money, damages plus interest and costs of suit.

FOURTH COUNT

1. The plaintiff, Annella Briggs, Administratrix ad prosequendum and General Administratrix of the Estate of Leslie Briggs, deceased, repeats the allegations of Paragraphs 2 through 66 of the First Count and Paragraphs 1 and 2 of the Third Count, as though more fully set forth herein.

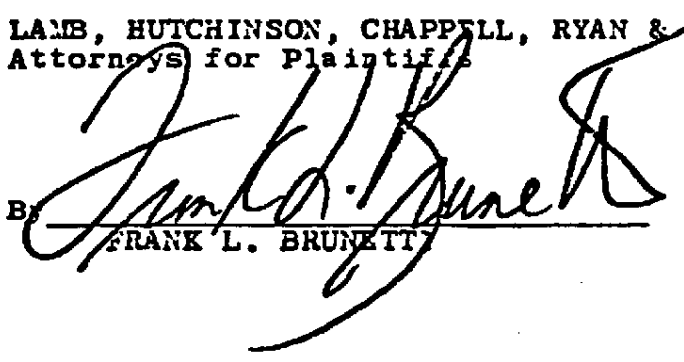
2. As a result of the above negligent acts the decedent was caused great pain and suffering and death.

WHEREFORE, plaintiff, Annella Briggs, General Administratrix of the Estate of Leslie Briggs, deceased, demands damages against the defendants together with interest and costs of suit.

JURY DEMAND

The plaintiffs hereby demand a Trial by a Jury of
12 as to all issues.

LAMB, HUTCHINSON, CHAPPELL, RYAN & MARTUNG
Attorneys for Plaintiffs

By 
FRANK L. BRUNETTI

UPL 14442