

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

*File
HJR*

KENNETH PEERENBOOM, et al.)
)
 PLAINTIFFS)
)
vs.) CIVIL ACTION NO. C-81-0698-L(A)
)
B. F. GOODRICH COMPANY, et al.)
)
 DEFENDANTS)
)

OBJECTION OF DEFENDANT, B. F. GOODRICH COMPANY,
TO PLAINTIFFS' MOTION FOR JOINDER

Defendant, B. F. Goodrich Company, by counsel, objects to the plaintiffs' "Motion for Joiner." In support of its objection this defendant will rely upon the Affidavit of its counsel, attached hereto.

Stephen F. Schuster
Ogden, Robertson & Marshall
1200 One Riverfront Plaza
Louisville, Kentucky 40202
(502) 582-1601
Counsel for Defendant,
B. F. Goodrich Company

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing document was served this 28th day of January, 1982, by mail upon the Hon. Fred R. Radolovich, Suite 200, 440 South Seventh Street, Louisville, KY 40203, attorney for plaintiff; Hon. Walter Sales, 3rd Floor, M. E. Taylor Bldg., 312 South 4th St., Louisville, KY 40202, counsel for Union; and Hon. John Stiles, Starks Building, Louisville, KY 40202, counsel for Union.

Counsel for Defendant

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B. F. GOODRICH COMPANY, et al.	)	
	)	
DEFENDANTS	)	
	)	

AFFIDAVIT OF COUNSEL

Stephen F. Schuster, after having been first duly sworn,
states as follows:

1. I am counsel of record for B. F. Goodrich Company in this case.
2. In my opinion this is not a proper case to be joined with an action which had been filed by the same counsel, namely C-81-0427-L(A), hereinafter referred to as the "Kitterman" case. From the point of view of this defendant, the two cases have very little in common.
3. The plaintiffs' decedent in the present case died of a liver ailment for which there is a recognized connection to chemicals to which the decedent was exposed during the course of his employment with B. F. Goodrich Company. That is why the Company started paying him Workmen's Compensation Benefits in 1974 and continued to pay those benefits until the time of his death. Moreover, since the time of his death, the Company has

tendered Workmen's Compensation benefits to his dependents.

4. On the other hand, plaintiffs' decedent in the Kitterman case died of a liver ailment for which there is no known connection to any of the chemicals to which he may have been exposed during the course of his employment. For that reason Workmen's Compensation benefits have been denied in the Kitterman case.

5. At the very least, the medical proof will be vastly different in the two cases, and other measures of damages, should either case get to that point, will be vastly different.

6. In addition, the defendant Union is represented by different counsel in the two different cases.

7. In short, the only connection between these two cases is that both decedents worked for B. F. Goodrich Company and the plaintiffs in each case were represented by the same counsel.

FURTHER THE AFFIANT SAITH NOT,

Stephen F. Schuster

STATE OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

Sworn and subscribed to before me by Stephen F. Schuster
this _____ day of _____, 1982.

Notary Public State-at-Large

My commission expires: _____