PLAINTIFF'S EXHIBIT tabbies 01354.00

PLAINTIFF'S EXHIBIT tabbies WV-009125

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

DANIEL ROBINSON,

Plaintiff,

vs.

STERNIT, INC., a
Corporation, and
THE RUBEROID COMPANY,
a Corporation,

Defendants.

Damage Suit

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LEGAL DEPT.

PETITION

Plaintiff states that the defendants are corporations and as such are engaged in the manufacture of shingles and operate a factory or plant in the City of St. Louis, Missouri and as such were at all times herein mentioned engaged in a trade or process which might produce illness or disease peculiar to the work or process and which subjected employees to the danger of illness or disease incident to such work, trade or process, to wit, the manufacture of shingles.

Plaintiff further states that he entered the employ of the defendants in the Fall of 1928 and remained in the employ of the defendants until on or about the 1st day of August, 1978 and that during the entire time of his employment by the defendants he was engaged as a laborer at defendants' plant or place of business in the City of St. Louis, Missouri and as such was required to assist in various ways in the manufacture of shingles

Plaintiff further states that in said work, trade or process in which the defendants were engaged [illegible] constituted

Plaintiff further states that in said work, trade or process in which defendants were engaged vast quantities of dust would be emitted into the atmosphere that plaintiff was required to breathe into his lungs said dust; that said dust particles contained silicates, lime, free silica, asbestos and carbon, which particles were injurious to the health of persons so breathing said dust; and that as a direct result of the negligence and carelessness of the defendants as hereinafter mentioned, plaintiff was caused to suffer illness or disease which will be hereinafter more particularly described.

One, the defendants in the conduct of said business operated various machines, blowers, hoppers, chutes and grinders which while being operated caused vast quantities of dust to be emitted into the atmosphere and did negligently and carelessly fail and omit to provide each and every such machine with a hood connected with a blower or suction fan of sufficient power to carry off said dust and prevent its inhalation by the employees there, all in violation of the laws of the State of Missouri then and there in full force and effect, being Section 13231 of the Revised Statutes of Missouri, 1929.

Two, that said work and manufacturing in which defendants were engaged was a work which would produce illness or disease peculiar to the work or process carried on there, and that the defendants carelessly and negligently failed to adopt and provide proved and effective devices, means or methods for the prevention of industrial and occupational diseases incident to such work all in violation of the [illegible] Section [illegible] of the Revised Statutes of

Three, the defendants carelessly and negligently and in violation of law failed and omitted to provide working clothing to be used exclusively by each employee and did negligently and carelessly and in violation of law fail to provide adequate and approved respirators without cost to the employees and failed and omitted to require employees to wear such respirators while engaged in said work all in violation of the laws of the State of Missouri then and there in full force and effect, being Section 13254 of the Revised Statutes of Missouri, 1929.

Four, the defendants carelessly and negligently and in violation of law failed and omitted to cause plaintiff, while engaged in said work as aforesaid, to be examined by a competent, licensed and reputable physician once every calendar month for the purpose of ascertaining if any occupational or industrial disease existed in plaintiff, all in violation of the laws of the State of Missouri then and there in full force and effect being Sections 13253 and 13255 of the Revised Statutes of 1929.

Five, the defendants carelessly and negligently in violation of law failed to provide and maintain adequate and efficient facilities for the carrying off of all injurious dusts all in violation of the laws of the State of Missouri then and there in full force and effect, being Section 13260 of the Revised Statutes, 1929.

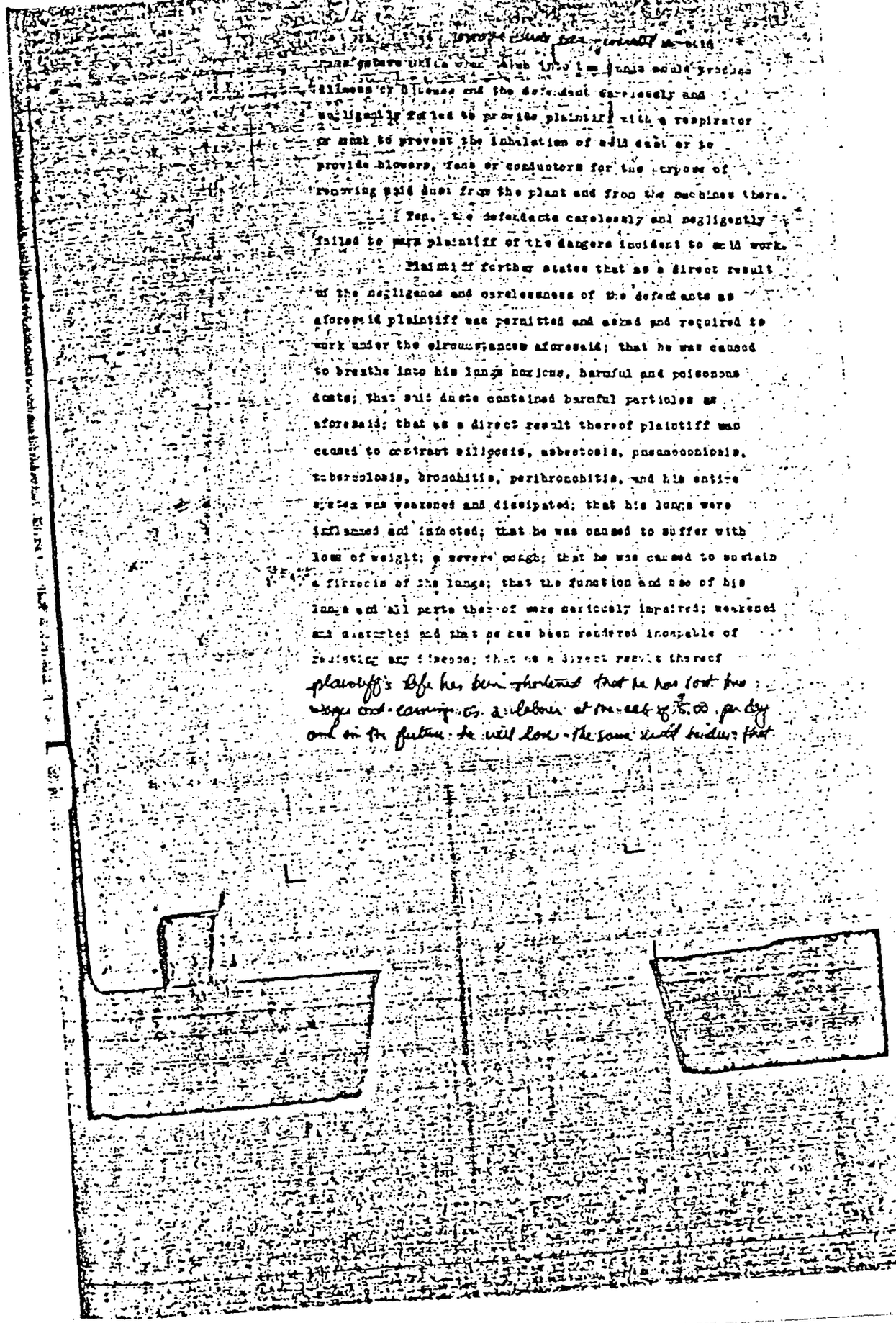
Six, the defendants carelessly and negligently and in violation of law failed and omitted to provide all hoppers, screens and all similar devices used in the process of sand manufacture with hoods, covers or adequate and efficient apparatus for the purpose of [illegible]

corporation or devices for the purpose of drawing away from the employees noxious, poisonous or injurious dusts and failed to remove dust and refuse incident to such work from the floors, all in violation of the laws of the State of Missouri then and there in full force and effect, being Section 13356 of the Revised Statutes of Missouri, 1929.

Seven, the defendants negligently and carelessly and in violation of law failed and omitted to post in a conspicuous place in every work room where the same work was carried on, notices of the known dangers to the health of the employees arising from such work or process together with similar instructions as to the known means of avoiding the same, in type sufficient to be easily readable although the defendant knew or by the exercise of ordinary care would have known the dangers and injurious effects accompanying the said process, all in violation of the laws of the State of Missouri then and there in full force and effect, being Section 13354 of the Revised Statutes, 1929.

Eight, the defendants carelessly and negligently and in violation of law failed and omitted to ventilate said plant so as to render harmless so far as practicable all the dusts and other impurities generated in said manufacturing process which may be injurious to the health of the employees all in violation of the laws of the State of Missouri then and there in full force and effect, being Section 13354 of the Revised Statutes of Missouri, 1929.

Nine, the defendants carelessly and negligently failed and omitted to exercise ordinary care to provide



[illegible] said [illegible] when [illegible] into the lungs would produce illness or disease and the defendant carelessly and negligently failed to provide plaintiff with a respirator or mask to prevent the inhalation of said dust or to provide blowers, fans or conductors for the purpose of removing said dust from the plant and from the machines there.

Ten, the defendants carelessly and negligently failed to warn plaintiff of the dangers incident to said work.

Plaintiff further states that as a direct result of the negligence and carelessness of the defendants as aforesaid plaintiff was permitted and asked and required to work under the circumstances aforesaid; that he was caused to breathe into his lungs noxious, harmful and poisonous dusts; that said dusts contained harmful particles as aforesaid; that as a direct result thereof plaintiff was caused to contract silicosis, asbestosis, pneumoconiosis, tuberculosis, bronchitis, peribronchitis, and his entire system was weakened and dissipated; that his lungs were inflamed and infected; that he was caused to suffer with loss of weight; a severe cough; that he was caused to sustain a fibrosis of the lungs; that the function and use of his lungs and all parts thereof were seriously impaired; weakened and disturbed and that he has been rendered incapable of resisting any disease; that as a direct result thereof plaintiff's life has been shortened that he has lost two wages and earnings as a labour at the rate of $5.00 per day and in the future he will lose the same until he dies that

he has become obligated for medical aid and attention in the sum of $800.00 to date and in the future he will be required to obligate himself for additional sums for medical aid and attention; that all of said injuries are serious and permanent and the function and use of his respiratory system has been impaired, limited and rendered painful and that plaintiff has suffered and will in the future suffer great pain of the body and mind all to his injury and damage in the sum of TWENTY FIVE THOUSAND DOLLARS ($25,000.00) for which sum together with his costs plaintiff prays judgment against the defendants.

Gallant & Hannigan
Attorneys for Plaintiff