FILE NAME: Early Asbestos Damage Suits (EADS)

DATE: 0000

DOC#: EADS023

DOCUMENT DESCRIPTION: Documents from Case of George Ruskell

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

GEORGE RUSKELL,
Plaintiff,

-vs-

JOHNS-MANVILLE PRODUCTS CO., a corporation, and JOHNS-MANVILLE SALES CORPORATION, a corporation,
Defendants.

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COMPLAINT IN LAW

Now comes the plaintiff, GEORGE RUSKELL, by his attorneys, JOHNSON, PENSE & BRANDELL, and complains of the defendants, JOHNS-MANVILLE PRODUCTS COMPANY, a corporation, and JOHNS-MANVILLE SALES CORPORATION, a corporation, as follows:

1. The defendants, JOHNS-MANVILLE PRODUCTS COMPANY and JOHNS-MANVILLE SALES CORPORATION, are foreign corporations, qualified to do business in the State of Illinois, and are engaged in the business of manufacturing and selling building materials.

2. That on January 12th, 1932, the said defendants owned and operated a factory for the manufacture of building materials in Waukegan, Illinois; that on the aforesaid date, and for a period of two and a half years prior thereto, plaintiff was employed by the defendants as a laborer in said factory, and that his duties consisted of shovelling and mixing materials among which were rubber, asphalt, silica, ground wood-fibre and coloring matter; and that various fumes, gases and dusts arose from the said shovelling and mixing, and that, as a result thereof, plaintiff was exposed and subjected to the inhalation of the various fumes, gases and dusts.

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3. That said defendants knew, or should have known, that the inhalation of the various aforesaid fumes, gases and dusts was apt to and did produce illness and disease in the plaintiff, of which the plaintiff now complains, which illness and disease is peculiar to such work and operations carried on and used in said business, and that the same did necessarily subject plaintiff to dangers of illness and disease incident to such work and process of carrying on said business, to which employees were and are not ordinarily exposed in other lines of employment.

4. That plaintiff was caused to and did, during the period aforesaid, necessarily inhale large quantities of silica dust and other fumes, gases and dusts through his nose and mouth, and said silica dust, and other said fumes, gases and dusts, became lodged in his throat and lungs, causing the illness and disease complained of, while he, the plaintiff, was in the exercise of due care and caution for his own personal health and safety.

5. That plaintiff was in entire ignorance of the dangerous character of the various fumes, gases and dusts to which he was exposed, and to the specific nature of the illness and disease that would or could result from the inhalation of the aforesaid fumes, gases and dusts, and was never, at any time, informed by the defendants, or any agents of the said defendants, of the fact that such danger did or could possibly exist.

6. That the defendants, during the aforesaid time and at the aforesaid place, did one or other of the following acts, thereby causing the plaintiff to contract silicosis, an occupational disease, and as a result whereof, he has lost considerable weight; he has been incapacitated and weakened so that he cannot perform any work for which he is fitted; he has suffered great mental and physical pain and anguish, and will continue so to suffer for the rest of his life; he has become liable for

and expended large sums of money in and about endeavoring to be cured, and he has been kept from his usual occupation and has lost the pecuniary gains which he might have made had he been employed:

(A) Willfully failed to provide reasonable and approved devices, methods or means for the prevention of said disease, contrary to the provision of Section I of the Act entitled, "An Act to promote the public health by protecting certain employees in this State from the dangers of occupational diseases and providing for the enforcement thereof," and in this that there were in and about the said factory no proper suction fans, or other apparatus, providing for collecting the injurious fumes, gases and dust in the air in the room in said factory where plaintiff worked; that defendants failed to provide masks or respirators or other apparatus to be used or worn by said plaintiff to protect him from inhaling the said fumes, gases and dusts which impregnated and floated in the air in and about the said room, as provided by said Statute, and which effectively would have prevented him from contracting the disease herein complained of.

(B) Negligently failed to remove, as far as practicable, by either ventilation or exhaust devices the aforesaid injurious fumes, gases and dusts from the room in which plaintiff worked, contrary to Section 12 of an Act, entitled "An act to provide for the health, safety and comfort of employees in factories, mercantile establishments, mills and work shops in this State, and to provide for the enforcement thereof" of the State of Illinois.

(C) Negligently caused and permitted the premises to be swept so as to raise dust contrary to Section 13 of an Act, entitled "An Act to provide for the health, safety and comfort of employees in factories, mercantile establishments, mills and work shops in this State, and to provide for the enforcement thereof," of the State of Illinois.

7. Plaintiff prays for judgment in the amount of $50,000.00 for the foregoing damages.

JOHNSON, PENSE & BRANDELL
Attorneys for Plaintiff.

208 W. Washington Street, Chicago

Plaintiff makes demand for a trial by jury.