

THE PRENTICE-HALL CORPORATION SYSTEM. INC.

NOTICE OF PROCESS

Certified # 277614

TO:	Uniroyal, Inc. c/o Arthur, Dry & Kalish Elliot J. Potter, Para-Lgl 1230 Avenue of the Americas New York, New York 10020	DATE FORWARDED TO YOU: May 12, 1978	
ENCLOSED FIND COPY OF PROCESS DESCRIBED AS FOLLOWS			
TITLE OF ACTION	STANLEY MIKYSKA & MOYCE MIKYSKA, his wife, v UNION CARBIDE CORPORATION, ET AL	SERVED	
		DATE 5-12-78	
		TIME 12:30 p.m.	
		WHEN RETURNABLE	
WHERE SERVED	Law offices of Dood and Bos	20 days	
BY WHOM SERVED OR MANNER OF SERVICE	Personal service	DOCKET NUMBER 870769	
TYPE OF DOCUMENT SERVED	Summons and Complaint & Demand Jury Trial		
COURT	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION		
PLAINTIFF'S NAME	Stanley Mikyska		
TYPE OF ACTION	Product Liability		
NAME AND ADDRESS OF ATTORNEY FOR PLAINTIFF	Paul G. Bogos 1470 Penobscot Building Detroit, MI 48226		
COMMENTS			
C O P I E S T O	SIGNATURE: 		
	PRINT OR TYPE NAME Patrick D. Hanes		
	REPRESENTING THE PRENTICE-HALL CORPORATION SYSTEM INC.		
	A D D R E S S	Dood and Bos	
		712 Michigan National Tower	
		Lansing, MI 48933	
	PHONE 517/371-4545		
	ACKNOWLEDGE RECEIPT OF ABOVE PAPERS BY SIGNING YELLOW COPY AND RETURNING TO TRANSMITTING REPRESENTATIVE. 		
	SIGNATURE: _____		

URL 14335

ORIGINAL

United States District Court

FOR THE

EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

CIVIL ACTION FILE NO. _____

STANLEY MIKYSKA & JOYCE MIKYSKA, his wife

Plaintiff

v.

UNION CARBIDE CORPORATION, ET AL

Defendants

SUMMONS

To the above named Defendant : Uniroyal, Inc.
Resident Agent - The Prentice-Hall Corporation,
System, Michigan Nat'l Tower, Lansing, 48933

You are hereby summoned and required to serve upon

Paul G. Bogos

plaintiff's attorney, whose address

1470 Penobscot Building
Detroit, Michigan 48226

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

HENRY R. PANSEEN

Clerk of Court.

LORELIE PPAENDTNER

Deputy Clerk.

Date: April 27, 1978.

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

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RETURN ON SERVICE OF WRIT

I hereby certify and return, that on the _____ day of _____ 19____,

I received this summons and served it together with the complaint herein as follows:

MARSHAL'S FEES

Travel --- \$ -----

Service _____

United States Marshal.

By _____ Deputy United States Marshal.

Subscribed and sworn to before me, a
day of _____, 19____.

this

[SEAL]

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

No. _____

United States District Court
FOR THE

2.

SUMMONS IN CIVIL ACTION

**Returnable not later than
after service. days**

Attorney for Plaintiff

EPF. 511—2.13.74.100M.1760

URL 14337

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

STANLEY MIKYSKA and JOYCE
MIKYSKA, His Wife,

44-709

Plaintiffs,

-vs-

CIVIL ACTION NO.

UNION CARBIDE CORPORATION,
A Foreign Corporation,

DIAMOND SHAMROCK CORPORATION,
A Foreign Corporation,

STAUFFER CHEMICAL COMPANY,
A Foreign Corporation,

STAUFFER COMMUNICATIONS, INC.,
A Foreign Corporation,

TENNECO REALTY DEVELOPMENT
CORPORATION, A Foreign Corporation,

TENNECO OIL COMPANY, A Foreign
Corporation,

TENNECO, INC., A Foreign
Corporation,

TENNECO CHEMICALS, INC.,
A Foreign Corporation,

UNIROYAL, INC., A Foreign
Corporation,

ALLIED CHEMICAL CORPORATION,
A Foreign Corporation,

HOOVER CHEMICALS & PLASTICS
CORP., A Foreign Corporation,

FIRESTONE TIRE & RUBBER COMPANY,
A Foreign Corporation,

B. F. GOODRICH COMPANY,
A Foreign Corporation,

GOODYEAR TIRE & RUBBER COMPANY,
A Foreign Corporation,

Defendants.

FILED
U.S. DISTRICT COURT
APR 5 3 55 PM '71
HENDON
CLERK

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1. That the Plaintiffs, STANLEY MIKYSKA, and JOYCE MIKYSKA, are husband and wife and are residents of the City of Fair Haven, County of St. Clair, State of Michigan.

2. That Defendants are corporations incorporated under the laws of states other than Michigan, and all have their principal place of business other than in the State of Michigan, but all are admitted to transact business in the State of Michigan.

3. That the amount in controversy exceeds the sum of TEN THOUSAND (\$10,000.00) DOLLARS, exclusive of costs and interest.

4. That all Defendants are doing business within the State of Michigan, and have established necessary and minimum contacts with the State of Michigan.

5. That Defendants are miners, manufacturers, processors, importers, converters, compounders, or merchants of polyvinyl chloride resin and polyvinyl chloride materials.

6. That the Defendants, acting through their servants, employees, agents and representatives, caused polyvinyl chloride resin and polyvinyl chloride materials to be placed in the stream of interstate commerce.

7. That Plaintiff, STANLEY MIKYSKA, was a laminating operator who, since April of 1968, has continuously worked with and was exposed to polyvinyl chloride resin and polyvinyl chloride materials mined, manufactured, processed, imported, converted, compounded or sold by the Defendants.

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8. That during the course of his employment, Plaintiff, STANLEY MIKYSKA, was exposed to Defendant's polyvinyl chloride resin and polyvinyl chloride materials which exposure directly and proximately caused him to develop a serious illness, to wit, toxic hepatitis, which resulted in his experiencing great pain and suffering, wage loss, medical expenses, and incurrence of general and special damages in the amount of TWO MILLION FIVE HUNDRED THOUSAND (\$2,500,000.00) DOLLARS.

9. That the damages sustained by Plaintiff, STANLEY MIKYSKA, are the direct and proximate result of the negligence of the Defendants in that they produced, sold or otherwise put into the stream of interstate commerce polyvinyl chloride resin and polyvinyl chloride materials which the Defendants knew or, in the exercise of ordinary care, ought to have known, were deleterious, poisonous and highly harmful to the Plaintiff's body, lungs, liver, respiratory system, skin and health.

10. That the illness of Plaintiff, STANLEY MIKYSKA, is the direct and proximate result of the negligence of the Defendants in that even though the Defendants knew or, in the exercise of ordinary care, ought to have known, that their polyvinyl chloride resin and polyvinyl chloride materials were deleterious, poisonous and highly harmful to Plaintiff's body, lungs, liver, respiratory system, skin and health, and that Plaintiff would not know of such danger to his health, the Defendants, nonetheless:

(a) Failed to advise Plaintiff of the dangerous characteristics of their polyvinyl chloride resin and polyvinyl chloride products.

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(b) Failed or omitted to provide Plaintiff, STANLEY MIKYSKA, with the knowledge as to what would be reasonably safe and sufficient wearing apparel and proper protective equipment and appliances, if, in truth, there were any to protect him from being poisoned and disabled, as he was, by exposure to such deleterious and harmful polyvinyl chloride resin and polyvinyl chloride materials.

(c) Failed and omitted to place any warnings on their containers of said polyvinyl chloride resin and polyvinyl chloride materials to warn the handlers thereof of the dangers to health in coming in contact with said polyvinyl chloride resin and polyvinyl chloride materials.

(d) Failed and omitted to take reasonable precautions or exercise reasonable care to publish, adopt and enforce a safety plan and a safe method of handling and installing said polyvinyl chloride resin and polyvinyl chloride materials.

11. That the Defendants impliedly warranted that said polyvinyl chloride resin and polyvinyl chloride materials were of good and merchantable quality and fit for the intended use.

12. That Plaintiff, STANLEY MIKYSKA, was a laminator operator working in close proximity to the polyvinyl chloride resin and polyvinyl chloride materials of the Defendants and his presence was known or ought to have been reasonably anticipated by the Defendants.

13. That the implied warranty made by the Defendants that their polyvinyl chloride resin and polyvinyl chloride materials were of good and merchantable quality and fit for the

particular intended use was breached in that certain harmful, poisonous and deleterious matter was given off into the atmosphere wherein Plaintiff, STANLEY MIKYSKA, carried out his duties as a laminator operator working with polyvinyl chloride resin and polyvinyl chloride materials.

14. That as a direct and proximate result of the breach of the implied warranty of good and merchantable quality and fitness for the particular intended use, Plaintiff, STANLEY MIKYSKA, developed a serious illness, to wit, toxic hepatitis and permanent liver damage.

15. That the illness of the Plaintiff, STANLEY MIKYSKA, was directly and proximately caused by the gross negligence, omission, conscious indifferences, and utter disregard for the welfare of Plaintiff on the parts of the Defendants herein, their agents, servants, employees, managers, superintendents, supervisors, and officers, in that they ignored scientific data made known and available to them which data stated specifically that their polyvinyl chloride resin and polyvinyl chloride materials were harmful and deadly to the laminator operators who came in contact with said materials.

16. That Defendants, individually and as a group, have been possessed of medical and scientific data which clearly indicated that the product polyvinyl chloride resin and polyvinyl chloride materials are hazardous to health, and prompted by pecuniary motives, the Defendants, individually and collectively, wilfully and wantonly ignored and failed to act upon said medical and scientific data and conspired to

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deprive the public, and particularly the users, laminator operators and installers of the Defendants' polyvinyl chloride products of said medical and scientific data, depriving them, therefore, of the opportunity of free choice as to whether or not to expose themselves to the polyvinyl chloride products of said Defendants.

17. That the award for this count should be in such an amount that would act as a deterrent to the Defendants and others from the future commission of like offenses and wrongs. The Plaintiff further states that if each of the acts of negligence above did not independently and of themselves constitute gross negligence, then certainly, all of said acts of negligence combined and in the aggregate, constituted gross negligence and the proximate cause of the injuries and disability of the Plaintiff.

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18. That as a result of the permanent illness of Plaintiff, STANLEY MIKYSKA, he is entitled to recover exemplary and punitive damages in the amount of FIVE MILLION (\$5,000,000.00) DOLLARS.

WHEREFORE, Plaintiffs, STANLEY MIKYSKA and JOYCE MIKYSKA, his wife, demands Judgment against the Defendants and each of them in the sum of TWO MILLION FIVE HUNDRED THOUSAND (\$2,500,000.00) DOLLARS general and special damages, together with the sum of FIVE MILLION (\$5,000,000.00) DOLLARS exemplary and punitive damages, as well as costs and interest on said Judgment

from the date thereof until paid, at the rate of Six Per Cent (6%) per annum, and such other and further relief to which Plaintiff may be entitled.

BOGOS, BOGOS & KEFGEN
Attorneys for Plaintiffs

By Paul G. Bogos
Paul G. Bogos-Pl0944
1470 Penobscot Building
Detroit, Michigan 48226
961-7970

Dated: April 5, 1978.

DEMAND FOR JURY TRIAL

NOW COME the Plaintiffs, STANLEY MIKYSKA and JOYCE MIKYSKA, his wife, and hereby demand a trial by jury in the above entitled cause.

BOGOS, BOGOS & KEFGEN
Attorneys for Plaintiffs

By Paul G. Bogos
Paul G. Bogos-Pl0944
1470 Penobscot Building
Detroit, Michigan 48226
961-7970

Dated: April 5, 1978.

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