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U.S. DISTRICT COURT
NORTHERN DISTRICT
TOLEDO, OHIO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

FRED A. WALLACE
881 N.W. Columbia Street
Port Charlotte, Florida 33948

ETTA W. WALLACE
881 N.W. Columbia Street
Port Charlotte, Florida 33948

ANGELA MAY WALLACE,
by Etta W. Wallace, her mother,
natural guardian, and next friend,
881 N.W. Columbia Street
Port Charlotte, Florida 33948

and

SARAH JOANNE WALLACE,
by Etta W. Wallace, her mother,
natural guardian, and next friend,
881 N.W. Columbia Street
Port Charlotte, Florida 33948

Plaintiffs,

-VS-

CHRYSLER PLASTIC PRODUCTS CORPORATION
3130 West Monroe Street
Sandusky, Ohio 44870

CHRYSLER PLASTIC PRODUCTS CORPORATION
c/o C T Corporation System
Statutory Agent
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

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LEGAL PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
MURRAY BUILDING
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SANDUSKY, OHIO 44870

CASE NO. C 84-7864
Nicholas J. Walinski, Judge

FIRST AMENDED COMPLAINT

Jury Demand Endorsed Hereon

UCC 082945

AKE V. LJUNG
General Manager
Chrysler Plastic Products Corporation
Sandusky, Ohio 44870
Current address unknown

NORMAN P. PHILLIPS
1819 Millsboro Road East
Mansfield, Ohio 44906

ALBERT W. CRAMER
1427 Chandler Drive, S.E.
Huntsville, Alabama 35801

ROBERT D. GUSTINE
5183 Christine Drive
Ann Arbor, Michigan 48103

RICHARD ALTHISER
Production Color Department Supervisor
Chrysler Plastic Products Corporation
Sandusky, Ohio 44870
Current address unknown

RON C. ABBOTT
Production Color Department Supervisor
Chrysler Plastic Products Corporation
Sandusky, Ohio 44870
Current address unknown

WILLIAM C. HOLSAPPLE
Production Color Department Supervisor
Chrysler Plastic Products Corporation
Sandusky, Ohio 44870
Current address unknown

THE GOODYEAR TIRE & RUBBER COMPANY
1144 East Market Street
Akron, Ohio 44305

MONSANTO COMPANY
800 North Lindbergh Boulevard
St. Louis, Missouri 63167

B. F. GOODRICH COMPANY
500 South Main Street
Akron, Ohio 44318

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FIRESTONE TIRE & RUBBER COMPANY
1200 Firestone Parkway
Akron, Ohio 44317

CONOCO, INC.
1007 Market Street
Wilmington, Delaware 19898

UNION CARBIDE CORPORATION
Old Ridgebury Road, Section C-2
Danbury, Connecticut 06817

UNIROYAL, INC.
World Headquarters
Middlebury, Connecticut 06749

DIAMOND SHAMROCK CORPORATION
717 North Harwood Street
Dallas, Texas 75201

POLIMEROS de MEXICO
Current address unknown

KANEMATSU-GOSHO (USA), INC.
One World Trade Center
New York, New York 10048

JOHN DOE, INC., I
Polyvinyl chloride resin manufacturer
Current address unknown

JOHN DOE, INC., II
Polyvinyl chloride resin manufacturer
Current address unknown

JOHN DOE, INC., III
Polyvinyl chloride resin manufacturer
Current address unknown

JOHN DOE, INC., IV
Polyvinyl chloride resin manufacturer
Current address unknown

JOHN DOE, INC., V
Polyvinyl chloride resin manufacturer
Current address unknown

Defendants.

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FIRST CAUSE OF ACTION

Now come plaintiffs and, for their first amended complaint against defendants, state as follows:

1. Plaintiff Fred A. Wallace (hereinafter "Wallace") was, at all times pertinent hereto, a resident of Erie County, Ohio, and worked at Chrysler Plastic Products Corporation's plant in Erie County, Ohio.

2. Defendant Chrysler Plastic Products Corporation (hereinafter "Chrysler") is a corporation incorporated in the State of Delaware. Chrysler is licensed to do business in the State of Ohio and, at all times pertinent hereto, has transacted business and maintained operations in Erie County, Ohio, known as the Sandusky facility, that gave rise to the activities and claims set forth herein.

3. Defendants Ake V. Ljung, Norman P. Phillips, Albert W. Cramer, Robert D. Gustine, Richard Althiser, Ron C. Abbott, and William C. Holsapple (collectively referred to hereinafter as "Individual Defendants") are present and/or former employees of Chrysler and, at all times pertinent hereto, exercised direct and/or ultimate supervision in a management capacity over Wallace and/or the Sandusky facility. At least one of the Individual Defendants is a resident of the State of Ohio.

4. Defendants The Goodyear Tire & Rubber Company, Monsanto Company, B. F. Goodrich Company, Firestone Tire & Rubber Company, Conoco, Inc., Union Carbide Corporation, Uniroyal, Inc., Diamond Shamrock Corporation, Polimeros de Mexico, and Kanematsu-Gosho (USA), Inc., and defendants John Doe, Inc., I, John Doe, Inc., II, John Doe, Inc., III, John Doe, Inc., IV,

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and John Doe, Inc., V, whose current addresses plaintiffs, with due diligence, have not been able to uncover (collectively referred to hereinafter as the "PVC Resin Manufacturers") are corporations incorporated and with a principal place of business in Ohio, a foreign state, or a foreign country, which, at times relevant hereto, have been in the business of manufacturing and selling to the Sandusky facility of Chrysler in Erie County, Ohio, polyvinyl chloride resin, a substance containing the vinyl chloride monomer, a known carcinogen.

5. Wallace was employed at the Sandusky facility of Chrysler continuously between October 9, 1972, and April 19, 1978.

6. At all times since the commencement of his employment at the Sandusky facility of Chrysler, Wallace has inhaled, ingested and/or absorbed into his body quantities of toxic and carcinogenic substances, including polyvinyl chloride resin and vinyl chloride monomer as a direct and proximate result of the activities Wallace was required to perform in his employment at Chrysler's Sandusky facility.

7. The levels of toxic and carcinogenic substances, including polyvinyl chloride resin and vinyl chloride monomer, to which Wallace was exposed were above safe levels, permissible exposure limits, and threshold limit values.

8. Wallace's continuous, repeated exposure to toxic and carcinogenic substances, including polyvinyl chloride resin and vinyl chloride monomer, at the Sandusky facility of Chrysler has:

(a) caused Wallace serious physical injuries, including cancer and associated pathologies, all of which are permanent;

(b) inflicted upon Wallace severe continuing physical and mental pain and suffering and extreme emotional distress;

(c) rendered Wallace permanently and totally disabled from employment;

(d) repeatedly required Wallace to obtain necessary hospital and medical care and will require same for the remainder of Wallace's life;

(e) resulted in a permanent loss of Wallace's earning capacity;

(f) shortened Wallace's life expectancy.

9. At all times since Wallace's date of hire, Chrysler and the Individual Defendants knew or should have known that the work performed by Wallace at the Sandusky facility gave rise to the inhalation, ingestion and/or absorption into his body of quantities of toxic and carcinogenic substances, including polyvinyl chloride resin and vinyl chloride monomer, the dangerous propensities of which were known to, or should have been known by, Chrysler and the Individual Defendants.

10. Chrysler and the Individual Defendants intentionally exposed Wallace to toxic and carcinogenic substances, including polyvinyl chloride resin and vinyl chloride monomer, at unsafe levels during the course of Wallace's employment at the Sandusky facility of Chrysler as a condition of continued employment, as a result of which Wallace sustained the injuries and losses referred to herein.

11. During the course of Wallace's employment with Chrysler, Chrysler and the Individual Defendants intentionally withheld and/or concealed from Wallace and his physicians material information and warnings concerning the toxic and carcinogenic substances to which Wallace was continuously and

repeatedly exposed, including polyvinyl chloride resin and vinyl chloride monomer, including information as to the dangerous propensities of such substances, the effects of overexposure to such substances on human health, signs and symptoms of overexposure, and the precautions to take to avoid overexposure. Chrysler and the Individual Defendants knew or should have known of the material nature of the information described herein, information concerning which Wallace and his physicians were unaware and unknowledgeable.

12. Chrysler and the Individual Defendants knew or should have known of the serious health hazards to Wallace which would result from continuous, repeated exposure to the toxic and carcinogenic substances to which Wallace was exposed at Chrysler, including polyvinyl chloride resin and vinyl chloride monomer, health hazards which could have been prevented had Chrysler and the Individual Defendants fulfilled the duties and obligations enumerated herein.

13. Chrysler and the Individual Defendants, by their intentional conduct, failed to provide Wallace with a safe place to work.

14. Chrysler and the Individual Defendants, by their conduct, acted in willful and wanton disregard for the life, health, and safety of Wallace.

15. As a direct result of Chrysler's and the Individual Defendants' intentional conduct, Wallace sustained the injuries and damages described herein.

WHEREFORE, plaintiff Fred A. Wallace prays for compensatory damages from Chrysler and the Individual Defendants in the amount of ten

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UCC 082951

million dollars (\$10,000,000.00); for punitive damages in the amount of ten million dollars (\$10,000,000.00); for reasonable attorney and expert witness fees; and for such other and further relief as the Court deems proper.

SECOND CAUSE OF ACTION

16. All well-pleaded allegations contained in paragraphs 1 through 15 of the First Cause of Action are repleaded as if fully rewritten herein.

17. The PVC Resin Manufacturers negligently failed to take proper steps to instruct and warn Wallace of the dangers of overexposure to polyvinyl chloride resin and vinyl chloride monomer; failed to provide Wallace with information on the dangerous carcinogenic propensities of polyvinyl chloride resin and vinyl chloride monomer; neglected to inform Wallace of the effects of overexposure to polyvinyl chloride resin and vinyl chloride monomer on human health; failed to instruct or warn Wallace concerning the signs and symptoms of overexposure to polyvinyl chloride resin and vinyl chloride monomer; and failed to provide information to Wallace as to precautions to prevent overexposure to polyvinyl chloride resin and vinyl chloride monomer.

18. Polyvinyl chloride resin and vinyl chloride monomer are inherently dangerous products as to which the PVC Resin Manufacturers are strictly liable. Polyvinyl chloride resin and vinyl chloride monomer were sold by the PVC Resin Manufacturers in a defective condition unreasonably dangerous to Wallace. Said polyvinyl chloride resin and vinyl chloride

monomer reached Wallace without substantial change in the condition in which they were sold.

19. The above-described actions and omissions of the PVC Resin Manufacturers were in willful and wanton disregard of the life, health, and safety of the ultimate users of their product, including Wallace.

20. As a direct and proximate result of the acts and omissions of the PVC Resin Manufacturers described herein, Wallace sustained the injuries and damages enumerated above.

WHEREFORE, plaintiff Fred A. Wallace prays for compensatory damages from the PVC Resin Manufacturers in the amount of ten million dollars (\$10,000,000.00); for punitive damages in the amount of ten million dollars (\$10,000,000.00); for reasonable attorney and expert witness fees; and for such other and further relief as the Court deems proper.

THIRD CAUSE OF ACTION

21. All well-pleaded allegations contained in paragraphs 1 through 20 of the First and Second Causes of Action are repleaded as if fully rewritten herein.

22. As a direct and proximate result of the conduct of Chrysler and the Individual Defendants and the PVC Resin Manufacturers described herein, plaintiff Etta W. Wallace has incurred loss of consortium of her husband, Fred A. Wallace; and plaintiffs Angela May Wallace and Sarah Joanne

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Wallace, the children of Fred A. and Etta W. Wallace, have incurred loss of consortium of their father.

WHEREFORE, plaintiff Etta W. Wallace prays for compensatory damages in the amount of five hundred thousand dollars (\$500,000.00); and plaintiffs Angela May Wallace and Sarah Joanne Wallace pray for compensatory damages in the amount of two hundred fifty thousand dollars (\$250,000.00) each.



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Attorneys for Plaintiffs

JURY DEMAND

Plaintiffs hereby demand trial by jury.



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Attorney for Plaintiffs

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CERTIFICATION

This is to certify that a copy of the foregoing instrument was served upon defendant Chrysler Plastic Products Corporation in the foregoing cause by sending a copy of same by ordinary mail with postage prepaid addressed to M. DONALD CARMIN, Eastman & Smith, 800 United Savings Building, Toledo, Ohio 43604-1141, on this 4th day of May, 1985.



Dennis E. Murray
Kirk J. Betti Bovi
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Attorneys for Plaintiffs

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