

JUN-18-93 FRI 10:44

SHINTECH INC

FAX NO. 7139650629

P. 02

SERVICE OF PROCESS TRANSMITTAL FORM

CT CORPORATION SYSTEM

C T Corporation System
The Corporation Trust Company

DALLAS, TEXAS

(City)

(State)

June 17, 1993

(Date)

TO: SHINTECH INCORPORATED

Attn: Richard Mason, Esq.

24 Greenway Plaza - Suite 811

Westwood Tower

Houston, Texas 77046-0000

(XX) Via Federal Express

() Via Messenger

RE: PROCESS SERVED IN

TEXAS

(Jurisdiction)

FOR SHINTECH INCORPORATED

(Name of Company)

DEL.

(Domestic State)

ENCLOSED ARE COPIES OF LEGAL PROCESS SERVED UPON OR RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

1. TITLE OF ACTION:

Harold D. Jackson and Marilee H. Jackson Vs. SHINTECH, INC.

2. DOCUMENT(S): (xx) Citation, Plaintiff's Original Petition

(xx) Request for Production

3. COURT: (xx) 333 Judicial District Court,

Harris

County, Texas.

Case No. 93-027571

On or abt. June 10, 1991, JUDGE sustained personal injuries while an employee of Austin

4. NATURE OF ACTION: Industries, Inc., a contractor on the premises owned and controlled by said. Seeking an amount for damages, interests, court costs, etc.

5. (xx) PROCESS SERVED ON: C T CORPORATION SYSTEM, DALLAS, TEXAS

() PROCESS RECEIVED BY: C T CORPORATION SYSTEM, DALLAS, TEXAS by mail.

FROM:

Envelope Post Marked _____ enclosed.

6. DATE AND HOUR OF SERVICE OR RECEIPT:

June 17, 1993 at 8:30 a.m.

7. APPEARANCE OR ANSWER DUE: (xx)

10:00 A.M. Monday next after expiration of 20 days

8. PLAINTIFF'S ATTORNEY(S):

William E. Ryan, Atty.

1700 JONES OF WILLIAM E. RYAN

5311 Kirby Drive - Suite 210

Houston, Texas 77005-1348 713/520-1073

9. REMARKS:

() This confirms our telephone call to your office.

() Above telephoned to C T

office and is sent to you per their instructions.

SHINTECH-000895

KINDLY ACKNOWLEDGE RECEIPT BY SIGNING
THE CARBON COPY AND RETURNING IT TO

Signed

C T CORPORATION SYSTEM

Per

Tiffany Derry

Address

350 N. St. Paul Street

200

COPY FOR RECEIPT



CT Corporation System
The Corporation Trust Company

SERVICE OF PROCESS TRANSMITTAL FORM

DALLAS, TEXAS

(City)

(State)

June 17, 1993

(Date)

TO: SHINTECH INCORPORATED

Attn: Richard Mason, Secy.

24 Groesway Plaza - Suite 811

Weslayan Tower

Houston, Texas 77046-0000

(XX) Via Federal Express

() Via Messenger

RE: PROCESS SERVED IN TEXAS

(Jurisdiction)

FOR SHINTECH INCORPORATED

(Name of Company)

DEL.

(Domestic State)

ENCLOSED ARE COPIES OF LEGAL PROCESS SERVED UPON OR RECEIVED BY THE STATUTORY AGENT OF THE
ABOVE COMPANY AS FOLLOWS:

1. TITLE OF ACTION:

Harold D. Jackson and Hattie H. Jackson Vs. SHINTECH, INC.

2. DOCUMENT(S): (xxx) Citation, Plaintiff's Original Petition

(xxx) Request for Production

3. COURT: (xxx) 333 Judicial District Court, Harris County, Texas. Case No. 93-027571

4. NATURE OF ACTION: On or abt. June 10, 1991, pltf. sustained personal injuries while an employee of Austin Industries, Inc., a contractor on the premises owned and controlled by defdt. Seeking an amount for damages, interests, court costs, etc.

5. (xxx) PROCESS SERVED ON: C T CORPORATION SYSTEM, DALLAS, TEXAS

() PROCESS RECEIVED BY: C T CORPORATION SYSTEM, DALLAS, TEXAS by mail.

FROM:

Envelope Post Marked _____ enclosed.

6. DATE AND HOUR OF SERVICE OR RECEIPT:

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8. PLAINTIFF'S ATTORNEY(S):

William E. Ryan, Atty.

LAW OFFICES OF WILLIAM E. RYAN

5311 Kirby Drive - Suite 210

Houston, Texas 77005-1348 713/520-0073

9. REMARKS:

() This confirms our telephone call to your office.

() Above telephoned to C T

office and is sent to you per their instructions.

SHINTECH-000896

KINDLY ACKNOWLEDGE RECEIPT BY SIGNING
THE CARBON COPY AND RETURNING IT TO →

Signed C T CORPORATION SYSTEM

Per Tiffany Duperry

Address 350 N. St. Paul Street

2900

JUN-18-93 FRI 10:45

SHINTECH INC

FAX NO. 7139650629

P.04

CAUSE NO. 9327571

RECEIPT No. 225421 .00 ETX

MTA

05-26-93

TR # 60167186

PLAINTIFF: JACKSON, HAROLD D *

vs.

DEFENDANT: SHINTECH INC

In The 333rd
Judicial District Court
of Harris County, Texas
301 Fannin, 5th Floor
Houston, TX

* Additional parties are named in the attached petition.

CITATION

THE STATE OF TEXAS
County Of Harris

TO ANY SHERIFF OR CONSTABLE OF TEXAS
Or Other Authorized Person

TO: SHINTECH INC (TEXAS CORPORATION), BY SERVING ITS
REGISTERED AGENT C T CORPORATION SYSTEM
350 N ST PAUL DALLAS TX 75201

THIS COPY OF PROCESS WAS
DELIVERED TO YOU-ON THE

17 DAY OF June 19 93

MIKE PAPPAS, Constable
Precinct 1 Dallas County, TX

By R. Love Deputy

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 26th day of May, 1993, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 30 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 14th day of June, 1993, under my hand and seal of said court.

Issued at request of:

RYAN, WILLIAM
5311 KIRBY DR #210
HOUSTON TX 77005

(Seal)

KATHERINE TYRA, District Clerk

Harris County, Texas
301 Fannin Houston, Texas 77002
(P.O. Box 4551 Houston, Texas 77210)

Bar No.: 17485206

By

Deputy ASWORTH, JOSEPH 15/HO/1769305

OFFICER/AUTHORIZED PERSON RETURN

Received on the _____ day of _____, 19____, at _____ o'clock _____ M., and
executed the same in _____ County, Texas, on the _____ day of _____, 19____, at
_____ o'clock _____ M., by summoning the _____

by delivering to _____, in person _____

a corporation (

by leaving in the principal office during office hours _____

of the said _____

a true copy of this notice, together with accompanying copy of

serving _____ cop _____ \$ _____

By

Affiant

Deputy

On this day, _____, known to me to be the person whose
signature appears on the foregoing return, personally appeared. After being by me duly sworn,
he/she stated that this citation was executed by him/her in the exact manner recited on the
return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, 19____

Notary Public

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SHINTECH INC

FAX NO. 7139650629

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III.

FACTUAL BACKGROUND

It has become necessary to bring this lawsuit because of serious personal injuries suffered by Plaintiff, HAROLD D. JACKSON, on June 10, 1991. Your Plaintiff was an employee of Austin Industries, Inc., a contractor on the premises owned and controlled by Defendant SHINTECH, INC., those premises being located at 5618 East Highway 332, Freeport, Texas 77541. On that date, your Plaintiff was working to disassemble a gas compressor. The gas compressor was one that was used to compress vinyl chloride. In disassembling the gas compressor, your Plaintiff was unable to perform his job properly, due to the need to avoid breathing noxious vinyl chloride fumes.

In disassembling the gas compressor, your Plaintiff removed a valve, and, in lifting the valve, was injured. This injury would not have occurred but for the presence of the vinyl chloride in the gas compressor, which caused Plaintiff to be unable to breathe properly, maintain his balance, and otherwise perform his job function.

IV.

NEGLIGENCE

The gas compressor which Plaintiff, HAROLD D. JACKSON, was helping to disassemble at the time of his injury was in the care, custody and control of Defendant, SHINTECH, INC. Defendant was negligent in failing to properly purge that gas compressor of vinyl

SHINTECH-000899

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SHINTECH INC

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chloride, prior to the beginning of the work operations, which resulted in Plaintiff's injury.

V.

NEGLIGENT SUPERVISION

Your Plaintiff would show the Court that Defendant, SHINTECH, INC., entrusted work to an independent contractor, Plaintiff's employer, Austin Industries, Inc., but retained control of part of the work performed by that independent contractor. Defendant, SHINTECH, INC., thus owed a duty to exercise reasonable care in exercising control over the work performed by Austin Industries, Inc. Defendant, SHINTECH, INC., breached its duty of ordinary care and was negligent in one or more of the following respects

1. In permitting Plaintiff and others to disassemble the gas compressor involved in this case, without first requiring that the gas compressor be properly purged of all vinyl chloride fumes;
2. In permitting work to begin to disassemble the gas compressor, when no safe work permit had been issued for that job; and
3. In permitting work to begin to disassemble the gas compressor, without requiring that respirators be provided to those people, including Plaintiff, who were to disassemble that gas compressor.

VI.

SHINTECH-000900

DAMAGES

Plaintiff, HAROLD D. JACKSON, would show that he suffered serious, severe and permanent personal injuries as a result of this accident; more specifically, Plaintiff would show that he has incurred medical bills in the past necessitated by the medical treatment for his injuries sustained on the occasion in question

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SHINTECH INC

FAX NO. 7139650629

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and, will in all reasonable probability, incur medical bills in the future for further necessary care and treatment of his injuries.

Plaintiff, HAROLD D. JACKSON, would also show that he has suffered a loss of income in the past, and will in all reasonable probability suffer a loss of earning capacity in the future. Also, Plaintiff has suffered great physical pain and suffering, mental anguish, physical impairment and disfigurement in the past, and will in all reasonable probability suffer physical pain and suffering, mental anguish, physical impairment and disfigurement in the future.

As a result of the above and foregoing elements of damage, Plaintiff, HAROLD D. JACKSON, has suffered actual damage in excess of the minimal jurisdictional limits of this Court.

VII.

LOSS OF CONSORTIUM

Plaintiff, HATTIE H. JACKSON, would show that she was married to HAROLD D. JACKSON on the date of the occurrence made the basis of this suit. As a direct and proximate result of the negligence of Defendant, as described above, there has been substantial impairment in the marital relationship between the Plaintiffs. Accordingly, Plaintiff, HATTIE H. JACKSON, has suffered a serious loss of the affection, solace, comfort, companionship, society, assistance and sexual relationship that she previously received from her spouse, for which she is entitled to recover damages from Defendant.

SHINTECH-000901

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SHINTECH INC

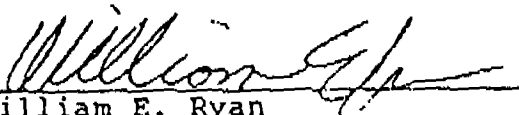
FAX NO. 7139650629

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WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Defendant be cited to appear and answer herein; and that on final trial hereof, Plaintiffs have judgment against Defendant as pled, together with pre-judgment and post-judgment interest; costs of Court, and for such other and further relief, at law or in equity, to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,

LAW OFFICES OF WILLIAM E. RYAN

By: 
William E. Ryan
State Bar Number: 17485200
5311 Kirby Drive, Suite 210
Houston, Texas 77005-01348
(713) 520-0073
(713) 523-8890 (Facsimile)

ATTORNEY FOR PLAINTIFFS,
HAROLD D. JACKSON and HATTIE H.
JACKSON

SHINTECH-000902

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SHINTECH INC

FAX NO. 7139650629

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NO. 93-027571

HAROLD D. JACKSON AND
HATTIE H. JACKSON
Plaintiffs,

vs.

SHINTECH, INC.
Defendant.

* IN THE DISTRICT COURT OF
*
*
*
* HARRIS COUNTY, TEXAS
*
*
*
* JUDICIAL DISTRICT

PLAINTIFFS' FIRST REQUEST FOR PRODUCTION

TO: Defendant, SHINTECH, INC., by and through its Registered Agent
for service of process, C.T. Corporation System, 350 North St.,
Paul, Dallas, Texas 75201.

Pursuant to the provisions of Rule 167 of the Texas Rules of Civil Procedure, Plaintiffs, HAROLD D. JACKSON and HATTIE H. JACKSON, request the following documents and tangible things to be produced for inspection, photographing and copying in the Law Offices of William E. Ryan, 5311 Kirby Drive, Suite 210, Houston, Texas 77005-1348, within fifty (50) days of the date of service of this request.

I.

Plaintiffs request Defendant to furnish the following documents or tangible things which constitute or contain matters within the scope of Rule 166b, Tex. R. Civ. Pro., and which Plaintiffs allege are relevant to this action, or are reasonably calculated to lead to the discovery of admissible evidence

II.

You are advised that, pursuant to the provisions of Rule 167 of the Texas Rules of Civil Procedure, you have a duty to respond timely to this Request for Production.

SHINTECH-000903

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SHINTECH INC

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Respectfully submitted,

LAW OFFICES OF WILLIAM E. RYAN

By:

William E. Ryan

State Bar Number: 17485200

5311 Kirby Drive, Suite 210

Houston, Texas 77005-01348

(713) 520-0073

(713) 523-8890 (Facsimile)

ATTORNEY FOR PLAINTIFFS,
HAROLD D. JACKSON and HATTIE H.
JACKSON

SHINTECH-000904

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SHINTECH INC

FAX NO. 7139650629

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REQUEST FOR PRODUCTION

1. Any written contract, as well as any amendments or supplements to that contract, between Shintech, Inc. and Austin Industries, Inc., effective on or before June 10, 1991.
2. Any written policies or procedures of Shintech, Inc. regarding the manner in which work should be performed by independent contractors on those premises located at 5618 East Highway 332, Freeport, Texas 77541.
3. Any work permit authorizing the disassembling of the gas compressor, on June 10, 1991, during which operation Plaintiff alleges he was injured on the premises located at 5681 East Highway 332, Freeport, Texas 77541.
4. Any work permit authorizing any work to be performed by Austin Industries, Inc., from March 10, 1991 to June 10, 1991, on the premises located at 5618 East Highway 332, Freeport, Texas 77541.
5. A plot diagram of the facility located at 5618 East Highway 332, Freeport, Texas 77541.
6. Any writing, including but not limited to any void verbal order, containing a description of the work performed by Austin Industries, Inc., from March 10, 1991 to June 10, 1991, on the premises located at 5618 East Highway 332, Freeport, Texas 77541.
7. The minutes of any safety meeting, relating to operations on the premises located at 5681 East Highway 332, Freeport, Texas 77541, for the time period June 10, 1990 until June 10, 1991.
8. Any incident report, concerning the incident made the basis of this lawsuit.
9. Any chemical inventory, listing the chemicals used or stored on the premises located at 5618 East Highway 332, Freeport, Texas 77541.
10. Any written communication between Defendant, Shintech, Inc., and Austin Industries, Inc., from March 10, 1991 until June 10, 1991, concerning the manner in which work was to be performed on the premises located at 5618 East Highway 332, Freeport, Texas 77541.

SHINTECH-000905