



Interoffice Communication

ATTORNEY-CLIENT
PRIVILEGED COMMUNICATION

✓ TO: Susan Froehly Teich, Legal, Houston

FROM: Bill Broddle, SHEA, Houston

DATE:

SUBJECT: TSCA Section 8(c) Allegation

Allegation(s): Plaintiff alleges he was employed by Conoco from 1959 to 1981, and has been exposed to benzene, butadiene and ethylene oxide. He alleges this exposure had caused his chronic lymphocytic leukemia.

X Lawsuit (caption): John W. Crawford, Jr., et ux v. Hartford, et al.

LEGAL DOCKET # (if known): C-1992-0126

___ Government Correspondence (identify)

LEGAL FILE # (if known): _____

___ Private Correspondence (identify) _____

___ Other (specify): _____

X Chemical/Product implicated: Benzene, butadiene, ethylene oxide

The Allegations:

X were recorded under TSCA §8(c).

Please advise me when the Legal Department retires its file on this allegation so that we can assure that the appropriate record retention period for the Legal Department file maintained. The applicable record retention period for this allegation is (check one):

___ 30 years

___ 5 years

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~~___~~ were not recorded under TSCA §8(c).

Reason:

A lawsuit recently involved an award to the plaintiff who alleged that benzene had caused CML. Chronic lymphocytic leukemia may differ.



Interoffice Communication

ATTORNEY-CLIENT
PRIVILEGED COMMUNICATION

TO: W. E. Broddle, SHEA, Houston
FROM: Susan Froehly Teich, Legal, Houston
DATE: June 18, 1992
SUBJECT: TSCA Section 8(c) Allegation

RECEIVED
JUN 19 1992

We have received the attached allegations(s) which are being forwarded to you for possible recordkeeping under TSCA §8(c) as allegations of "significant adverse human health and/or environmental reactions." Please return the attached form to me indicating the final §8(c) disposition of the allegations(s). Thank you.

Allegation(s) ☒ Human Health
(check one or more) ☐ Environmental

☒ Lawsuit (caption): John W. Crawford, Jr., et ux v.
Hartford, et al

LEGAL DOCKET #: C-1992-0126

☐ Government Correspondence (identify)
LEGAL FILE #: _____

☐ Private Correspondence (identify) _____

☐ Other (specify): _____

☒ Chemical/Product implicated: Benzene, butadiene,
ethylene oxide

☒ Alleged Effect: Chronic lymphocytic leukemia

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RECEIVED

JUN 17 1992

WILLIAM E. GORDON, JR.

JOHN W. CRAWFORD, JR., ET UX : 14TH JUDICIAL DISTRICT COURT
VS. NO. 92-3098 : PARISH OF CALCASIEU
HARTFORD ACCIDENT AND INDEMNITY : STATE OF LOUISIANA
COMPANY, ET AL
FILED: 6-10-92 : 
DEPUTY CLERK

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Now into Court through undersigned counsel comes, JOHN W. CRAWFORD, JR., joined by his wife, VIRGINIA CRAWFORD, hereinafter referred to as Plaintiffs, who respectfully represent that:

1.

Made Defendants herein are the following:

1. CONOCO, INC., (Sucessor to the Continental Oil Company) a corporation organized and existing under and by virtue of the laws of the State of Delaware, with an agent for service in the State of Louisiana, to-wit: C. T. Corporation Systems, 601 Poydras Street, 17th Floor, New Orleans, Louisiana 70130.
2. HARTFORD ACCIDENT AND INDEMNITY COMPANY, is a foreign corporation licensed to do and doing business within the State of Louisiana and may be served through the Secretary of State, State of Louisiana.

2.

The Plaintiff, JOHN W. CRAWFORD, JR. and his wife VIRGINIA CRAWFORD, resides in Calcasieu Parish. Plaintiff did not discover that his blood disease was caused by his occupational exposure until within the year prior to and before the filing of this lawsuit.

3.

Conoco, Inc. was a corporation engaged in the business of oil and petrochemical production and/or marketing. In connection with its business, Conoco, Inc. owned, operated, managed or controlled a facility in Calcasieu Parish.

4.

HARTFORD ACCIDENT AND INDEMNITY COMPANY was the comprehensive general liability insurance carriers for CONOCO, INC./CONTINENTAL

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and its executive officers during the periods of time during which the plaintiff was employed at the CONOCO, INC./CONTINENTAL facility in Calcasieu Parish and are jointly and severally liable unto the plaintiffs for the damages he has sustained. Conoco, Inc. and its executive officers are sometimes hereinafter referred to as Defendants.

5.

Between 1959 and 1981, the Plaintiff, while in the course and scope of employment by Conoco, Inc. was occupationally exposed to various toxic carcinogenic chemicals, including but not limited to benzene, butadiene and ethylene oxide. The exposure that occurred before September 1, 1976 was a substantial contributing cause of the injuries, disease and damages of Plaintiff as described herein.

6.

As a result of such exposure, the Plaintiff JOHN W. CRAWFORD, JR. developed chronic lymphocytic leukemia. His disease is incurable and progressive, with resulting disability and excruciating pain.

7.

The Plaintiff, sought the services of physicians in an effort to cure or arrest the condition from which they are suffering, but to no avail. As a result of his exposure to these carcinogenic chemicals, he has lost his good health and his permanently disabling condition will continue to degenerate, and worsen in the future, with virtually no hope of recovery.

8.

Plaintiff has suffered lost wages and/or loss of earning capacity and have been obligated to incur, and will incur in the future, expenses amounting to a considerable sum of money for medical and hospitalization care and related expenses, all as set forth more fully below.

9.

On information and belief, the following executive officers of Conoco, Inc. and/or Continental Oil Company are, and at all times pertinent to this lawsuit were, domiciled in the State of Louisiana:

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- a. Paul Glover, Safety Superintendent, CONOCO, INC.
- b. Marvin Crowe, Safety Superintendent, CONOCO, INC.
- c. Ray Barber, Safety Superintendent, CONOCO, INC.
- d. Harry Martin, Safety Superintendent, CONOCO, INC.
- e. Bill Wilson, Safety Superintendent, CONOCO, INC.
- f. Luke Landry, Safety Inspector, CONOCO, INC.
- g. Ralph Carter, Safety Inspector, CONOCO, INC.
- h. Ed Romero, Safety Inspector, CONOCO, INC.
- i. John Lemire, Safety Inspector, CONOCO, INC.
- j. Bill Lewis, Safety Inspector, CONOCO, INC.
- k. Sydney Pitts, Safety Director, CONOCO, INC.
- l. Steve Ashby, Safety Director, CONOCO, INC.
- m. Jim Phoenix, Plant Manager, CONOCO, INC.
- n. Jack Jones, Plant Manager, CONOCO, INC.
- o. Maurice Clark, Plant Manager, CONOCO, INC.
- p. Jim Bateman, Plant Manager, CONOCO, INC.
- q. Robert Rutlilt, Plant Manager, CONOCO, INC.
- r. Bill Brown, Plant Manager, CONOCO, INC.
- s. Kenny Andre, Plant Manager, CONOCO, INC.
- t. George O'Brien, Plant Manager, CONOCO, INC.
- u. Walter Miller, Plant Manager, CONOCO, INC.
- v. Robert Lemkuhl, Plant Manager, CONOCO, INC.
- w. Leon Vernon, Plant Manager, CONOCO, INC.
- x. Other executive officers with the same duties and negligence as alleged above, presently unknown but whose identities are subsequently discovered. Plaintiff will notify Defendants of their identities as they are determined.

10.

On information and belief, Conoco, Inc. delegated to the executive officers named above their responsibility to provide Plaintiff with proper planning, supervision, safety instruction, warnings concerning hazardous conditions in the workplace, and generally with a safe place to work. Alternatively, these executive officers actually undertook to provide such operational planning, supervision, instruction and warnings. Plaintiff specifically alleges that the executive officers and/or supervisory employees

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named above had, the following responsibilities delegated to them by their employers, or actually undertook to perform the following duties:

- a. To provide the planning, inspection, approval and supervision of the work of Plaintiff, and his co-employees;
- b. To see that proper safety rules were adopted, promulgated, and enforced as concerned the use of appropriate safety equipment and procedures;
- c. To see that Plaintiff and his co-employees performed the duties pertaining to his work in a proper, safe, and workman like manner;
- d. To see that Plaintiff and his co-employees used safe and sound principles and practice in his work.
- e. To test the Plaintiff's work environment for the presence of hazardous chemicals;
- f. To make health and hygiene decisions on any and all questions regarding safety, industrial hygiene, industrial medicine, and the formulation and implimentation of safety, industrial hygiene, and industrial medicine programs and the use of protective devices;
- g. To keep abreast of state of the art knowledge as it pertains to hazardous chemicals, safety, and Industrial Hygiene;
- h. To provide adequate warnings, instructions, physical examinations, safety equipment, ventilation, and breathing apparatus, where such were necessary in order to prevent Plaintiff from being harmed by exposure to pollution in the environment in which he was required to work;
- i. To make certain that employees including Plaintiff was provided a safe working environment and/or a safe place to work;
- j. To comply with applicable State and Federal regulations regulating workplace exposure (including, but not limited to, those regulations promulgated by the U. S. Department of Labor pursuant to the Walsh-Healy Public Contracts Act and the Occupational Safety and Health Act);
- k. To provide Plaintiff with a safe place to work by the formulation of policies and adoption of plans for all phases of accident and injury prevention.

11.

Plaintiff alleges that not only did the aforesaid executive officers have the duties and responsibilities set forth in paragraph "10" above, but that in fact said executive officers did actually

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undertake on an operational basis to perform said duties and fulfill said responsibilities and they negligently failed to carry out those undertakings and assumed duties in the manner particularly stated in paragraph "12" hereinafter.

12.

On information and belief, the above-named executive officers negligently failed in the performance of their delegated responsibilities and actual undertakings to provide Plaintiff with a safe place to work in the following particulars:

- a) Failing to test, or adequately test, the Plaintiff's work environment for the presence of hazardous chemicals;
- b) Failing to provide periodic medical examinations for Plaintiff;
- c) Failing to properly ventilate the areas in which Plaintiff was required to work;
- d) Failing to provide proper safety appliances to Plaintiff;
- e) Failing to formulate policies and adopt plans, procedures, and supervision necessary for the adequate protection of Plaintiff;
- f) Failing to warn Plaintiff of the dangers and/or risks posed by the polluted atmosphere in which he was required to work;
- g) Failing to enforce applicable safety rules after such rules were actually adopted;
- h) Failing to keep abreast of the scientific and engineering knowledge regarding the dangers of, and protection against, occupational exposure;
- i) Failing to properly supervise operations;
- j) Commencing and continuing operations which were under their control and supervision when they knew or should have known that such operations would cause Plaintiff and his co-employees to be exposed to the polluted atmosphere, without protection, on a daily basis;
- k) Failing to abide by applicable state and federal regulations regulating work place exposure (including, but not limited to, those regulations promulgated by the U.S. Department of Labor pursuant to the Walsh-Healy Public Contracts Act and to the Occupational Safety and Health Act);
- l) Other acts of negligence which may be discovered subsequent to the filing of this lawsuit and/or proven at trial.

13.

The negligence of the above-named executive officers contributed in causing damages to said Plaintiff.

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14.

Conoco, Inc., through their executive officers named above, collectively referred to as defendants hereinafter, knew, or should have known, that the chemicals they prepared, manufactured, distributed, transported and/or used were deleterious, poisonous, carcinogenic, and highly harmful to the body and health of Plaintiff. Notwithstanding this, Defendants with conscious indifference to the well-being of the Plaintiff, failed to take even the slightest care, failed to take any reasonable precautions, or to warn Plaintiff of the danger and harm to which he was exposed while handling said chemicals.

15.

Defendants knew, or should have known, that the toxic chemicals they used and manufacture were deleterious, poisonous, carcinogenic, and highly harmful to the Plaintiff's body and health, and that the Plaintiff would not know of these dangerous properties. Notwithstanding this, Defendants, with conscious indifference to the well-being of the Plaintiff, wholly failed and omitted to provide the Plaintiff with sufficient knowledge as to what would be reasonably safe, with sufficient wearing apparel and proper protective equipment, or with appliances to protect themselves from being poisoned and injured by exposure to such chemicals.

16.

Defendants knew, or should have known, that the toxic chemicals they used and manufactured were deleterious, poisonous, carcinogenic, and highly harmful to the Plaintiff's body and health. Notwithstanding this, Defendants, with conscious indifference to the well-being of the Plaintiff, manufactured, processed and/or used these chemicals so that in his ordinary handling, the Plaintiff would come into contact with and would be injured by these deleterious and highly harmful carcinogenic compounds.

17.

Defendants knew, or should have known, that the toxic chemicals they used and manufactured were deleterious, poisonous, carcinogenic and highly harmful to the Plaintiff's body and health. Notwithstanding this, Defendants with conscious indifference to the

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well-being of the Plaintiff, wholly failed to take even the slightest care to warn Plaintiff of said danger and/or to instruct him in the proper handling of said chemicals or to take any care to protect the Plaintiff from harm and wholly failed to take the slightest care to adopt and enforce a safe plan and method of handling or working near said chemicals.

18.

Defendants, with conscious indifference to the well-being of the Plaintiff, failed to take even the slightest of care in discharging its duty to examine available research material, compiled by experts, pertaining to the safe or dangerous nature of said chemicals and act thereon to render there use and handling by Conoco, Inc. employees, including the Plaintiff, as safe as could reasonably have been done under the circumstances prior to subjecting Plaintiff to exposure thereto.

19.

Plaintiff would further show that at all material times said Defendants were fully aware of their chemicals emissions and that said Defendants released these toxic chemicals into the ambient air, knowing that such contaminants would be inhaled by persons, such as the Plaintiff. Plaintiff would show that Defendants knew, actually or constructively, or should have known, that its chemicals have the potential for causing cancer and other chronic disease that could result in death or serious bodily disease. A substantial portion of such emissions were unnecessary, and therefore, such emissions could have been substantially reduced, thereby reducing, thereby reducing the Plaintiff's injuries and damages, including the resulting disease, chronic lymphocytic leukemia.

20.

Plaintiff would further show that the Defendants are jointly and severally liable for the bodily harm of which such emissions are a producing or proximate cause. Plaintiff would moreover show that the aforesaid disease-causing contaminants contained in such chemicals constituted abnormally hazardous substances and ultra-hazardous substances and were unreasonably dangerous per se.

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21.

Plaintiff would further show that the Defendants were negligent in failing to warn Plaintiff and those similarly situated, of the release of these carcinogenic chemicals, including, but not limited to benzene, butadiene, ethylene oxide and various other toxic and carcinogenic chemicals. Defendants had a duty to warn Plaintiff of the presence of the toxicological properties of said noxious materials.

22.

Defendants were also negligent in their failure to test the environment to establish the concentration of these toxic and carcinogenic chemicals in the breathing zone of Plaintiff and others similarly situated, as an invitee to the plant. The Defendants had a duty to provide a safe working environment for the Plaintiff.

THEORY OF RECOVERY AGAINST
CONOCO, INC. AND THEIR
INSURERS FOR STRICT LIABILITY AND NEGLIGENCE

23.

Plaintiff specifically alleges that Conoco, Inc. is strictly liable to them under Article 2317 of the Louisiana Civil Code for all damages proven to have resulted from his exposure to various toxic carcinogenic chemicals, including, but not limited to benzene, butadiene and ethylene oxide on the premises of the Conoco Refinery prior to July 30, 1952 when diseases from such occupational exposure first became compensable under Louisiana's Worker's Compensation Law (Acts 1952, No. 532).

24.

With regard to damage of the type described in the previous paragraph, Plaintiff alleges that the above-named company was negligent in the same particulars as are alleged above, and that such negligence contributed in causing his damage. Additionally Plaintiff alleges the company was negligent in promulgating safety rules with which Plaintiff and his co-employees were obliged to comply which did not serve to protect them from toxic chemical

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exposure on their premises; in failing to adequately warn Plaintiff of the inherently dangerous characteristics of said toxic and carcinogenic chemicals and substances present on their premises; and in failing to protect Plaintiff from the inherently dangerous nature of the work which the company required him to perform.

DAMAGES SUSTAINED BY PLAINTIFF'S WIFE

25.

The Plaintiff's wife, VIRGINIA CRAWFORD joins in her husband's cause of action and, with the exception of allegations pertaining to the liability of the insurers of the executive officers named above, specifically incorporate all of the allegations as herein set forth and asserts her individual cause of action for loss of consortium and mental anguish. Plaintiff's wife would show the Court that consortium is the mutual right of a husband and wife to that affection, solace, comfort, companionship, society, assistance, and sexual relations necessary to a successful marriage, for which elements of damage Plaintiff's wife would show that she is entitled to and herein seek to recover from the Defendants. Plaintiff's wife has also sustained mental anguish as a result of the disease contracted by her husband for which she is entitled to damages.

26.

As a direct and proximate result of the Defendants' fault, as described above, Plaintiff's wife has sustained injury and damage as above set forth in an amount which the evidence may show proper at time of trial, for which amount she herein request this Honorable Court award her as her sole and separate property.

DAMAGES SUSTAINED BY PLAINTIFF

27.

By reason of the Defendants' fault, as described above, and because of the injuries to Plaintiff's health, resulting in his disability and physical harm, Plaintiff is entitled to damages for past medical expenses and medical expenses which Plaintiff proves that he will, more likely than not, incur in the future; past and future Disability (Including loss of earnings or earning capacity);

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past and future physical and mental pain and suffering (Including Plaintiff's present fear of future complications, and the risk of future complications proven to be more likely than not), in an amount which the evidence may show proper at time of trial.

EXEMPLARY DAMAGES

28.

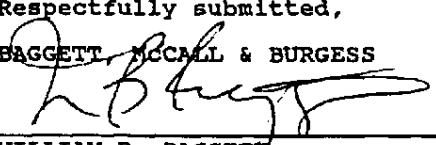
Under Article 2315.3 of Louisiana Civil Code, and in addition to general and special damages, Plaintiff is entitled to an award of exemplary damages since his injuries were caused by the Defendants' wanton, reckless, and intentional disregard for public safety in their storage, handling, and transportation of said chemicals, benzene, 1,3, butadiene, ethylene oxide, and various other toxic and carcinogenic chemicals, hazardous and toxic substances, as described above. He therefore request that exemplary damages in an amount which the evidence may show proper at the time of trial, be awarded to Plaintiff and against all of the Defendants, individually, jointly and solido.

WHEREFORE, Premises Considered, Plaintiff prays that the Defendants, and each of them, be cited to appear and answer herein as the law directs, and that upon final hearing hereof, JOHN W. CRAWFORD, JR. and VIRGINIA CRAWFORD recover of and from the Defendants, and each of them, individually, jointly and in solido, for his damages as alleged in an amount which the evidence may show proper at time of trial, together with costs, and legal interest from the date of judicial demand until paid, and for such other and further relief, special and general, as law and equity may permit.

JOHN W. CRAWFORD, JR. further prays for Exemplary Damages against the Defendants, individually, jointly, and in solido in an amount which the evidence may show proper at time of trial.

Respectfully submitted,

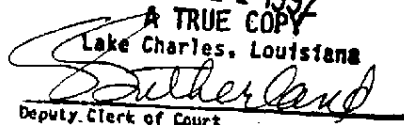
BAGGETT, MCCALL & BURGESS


WILLIAM B. BAGGETT
WILLIAM B. BAGGETT, JR.
P. O. Drawer 7820
3006 Country Club Road
Lake Charles, Louisiana 70606-7820
(318) 478-8888

JUN 11 1992

A TRUE COPY

Lake Charles, Louisiana


Deputy Clerk of Court

Calcasieu Parish, Louisiana

MCD 000018473

NOTE TO CLERK
PLEASE SERVE:

CONOCO, INC.
through its agent
C. T. Corporation Systems
601 Poydras Street, 17th Floor
New Orleans, Louisiana 70103

HARTFORD ACCIDENT AND INDEMNITY COMPANY
through the
Secretary of State
State of Louisiana
Baton Rouge, Louisiana 70804-4125

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ABSTRACT OF ALLEGATION

1. **Plant Site which Received the Allegation**

Conoco Legal, Houston, TX

(Name of Site)

600 N. Dairy Ashford

(Address of Site)

2. **Date Allegation Was Received at the Site.**

October 26, 1990

3. **Implicated Substance** (*specific chemical, mixture, article, company process/operation, or site discharge*).

Exposure to benzene, butadiene; ethylene oxide alleged due to refinery operations.

4. **Description of the Allegor** (*e.g., "company employee," "individual consumer," "plant neighbor"*):

Contractor employee, boilermaker

5. **Description of Alleged Health Effects** (*including how the effect became known and the route of exposure, if explained in the allegation*):

Alleges workplace exposure caused leukemia.

and/or

6. **Description of the Nature of the Alleged Environmental Effect** (*identifying the affected plant and/or animal species, or contaminated portion of the physical environment*):

N/A

7. **Result of any self-initiated investigation:**

See Litigation File LEADS

Docket Control # C-1990-0215 for
results, if any.

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