SOMERSET COUNTY COURT OF COMMON PLEAS.

BENJAMIN SZYMANSKI, Plaintiff, -vs- JOHNS-MANVILLE CORPORATION, a corporation of New York authorized to do business in New Jersey, Defendant.	:	ACTION AT LAW. COMPLAINT.

Benjamin Szymanski, residing in Manville, New Jersey, complaining of the defendant, Johns-Manville Corporation, a corporation of New York authorized to do business in New Jersey, states that:

1. At all times hereinafter mentioned, the plaintiff was employed by defendant corporation.

2. During such time plaintiff was employed by defendant corporation in the manufacture of articles in which asbestos and other substances were used.

3. Plaintiff was employed by defendant corporation in such work for about 16 years prior to May, 1944.

4. During the above time and due to the negligence of the defendant corporation, its agents and servants, the plaintiff was exposed to asbestos dust, silicate tri-oxide dust, and various other dusts and particles of matter which permeated the defendant's plant and the places where plaintiff worked and during all of said time, the plaintiff inhaled said various dusts and small particles of matter, as a result of which plaintiff's lungs have been injured as well as other parts of plaintiff's body, and plaintiff's health has become and will have become impaired, and plaintiff has become sick and incapacitated and unable to work, and plainti is suffering from asbestosis, all of which injuries are permanent in quality and in extent, and all of which injuries

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are due to the negligence of the defendant corporation, its agents and servants. As a result of said negligence of the defendant corporation, its agents and servants, the plaintiff has become sick, nervous and disabled and has suffered and will suffer physical pain and mental anguish.

5. The negligence of the defendant corporation, its agents and servants, consisted of not providing plaintiff with asafe place to work in; providing poorly ventilated places for plaintiff to work in; not taking proper precautic for the safety of plaintiff; not advising or warning plaintiff of the dangers of his work in the places assigned to him by defendant; and under the circumstances under which defendant required him to work; not using proper safety measures or precautions for the safety of plaintiff and for the preservation of the health of plaintiff; requiring plaintiff to work in poorly ventilated places for excessive periods of time; not rotating plaintiff and not having plaintiff do work under conditions which were not detrimental to his health; not using the proper safety devices and meansures for the protection of the plaintiff and preservation of his health; compelling plaintiff to work under adverse conditions as described above for undue length of time; not taking proper safety and health measures; not taking the proper precautions for plaintiff's health; not maintaining proper equipment to remove the dust and particles of matter from the air; not furnishing the plaintiff with safety devices and not furnish plaintiff with sufficient safety devices; not providing the proper supervision and precautions for the plaintiff and for the preservation of his health; not providing the proper blower and ventilator systems and respirators which were necessary for the proper protection of plaintiff's health; not -

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providing proper periodical medical examinations of plaintiff and taking the necessary precautions to preserve his health; not providing proper periodical medical examinations for plaintiff and not advising plaintiff that his health was in danger by reason of the conditions under which he was working; and defendant, its agents and servants, were also guilty of other and further negligence which resulted in plaintiff's injuries as aforesaid.

6. As a result of the aforesaid negligence of the defendant corporation, its agents and servants, the plaintiff has been obliged and will be obliged to incur expenses for medical treatment and attention in an effort to cure himself of his said injuries.

7. As a result of the negligence of the defendant corporation, its agents and servants as aforesaid, the plaintiff has lost salary and earnings and will in the future lose salary and earnings.

8. This action has been commenced within two years from the time of last exposure by plaintiff to the dusts and particles of matter stated aforesaid, and the plaintiff's cause of action has not accrued more than two years prior to the commencement of this suit.

9. The nature of the dusts with which plaintiff worked, stated aforesaid, are such that plaintiff has no remedy for his resulting injuries under the Workmen's Compensation Act, being Revised Statutes of New Jersey 34:15-1 etc.

WHEREFORE plaintiff, Benjamin Szymanski, demands judgment against the defendant, Johns-Manville Corporation, a corporation, in the amount of Fifty Thousand ($50,000.00) Dollars, besides costs of suit.

MYRON L. LEVY

Attorney for Plaintiff

c o p y

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