IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI, AT KANSAS CITY
NOVEMBER TERM, 1933.

EDWARD DUGAN,

Plaintiff.

vs.

R. V. AYCOCK COMPANY,
AYCOCK CORPORATION, and
R. V. AYCOCK,

No._____

Defendants.

PETITION FOR DAMAGES.

Plaintiff states that defendant corporations are corporations organized and existing according to law, and at all times herein mentioned owned, operated and controlled an extensive retail, wholesale, asbestos construction and repair business in Kansas City, Missouri.

That defendant R. V. Aycock was at all times herein mentioned in direct charge of the repair and construction business of said companies, and inaugurated and directed their system and method of work as hereinafter mentioned, and plaintiff worked under his supervision and control.

That during the month of October, 1933, and for a long time prior thereto plaintiff was in the employ of defendants as a common laborer, assigned to repair and construction work, which included the mixing of asbestos with water to have it ready for use; that in the mixing process, fumes and particles of said asbestos would become detached and saturate the air adjacent to where plaintiff and other workmen would be employed, and through breathing said fumes and detached particles found lodgment in the lungs of plaintiff to such an extent as to cause damage and injury to his lungs; that the dangerous nature and character of asbestos fumes and particles was known to the defendants through their superior knowledge and long operation of said business, or in the exercise of ordinary care would have been known to them.

but was unknown to the plaintiff.

Plaintiff further states that because of breathing in fumes and particles of asbestos in the conduct of his work, his lungs became surcharged therewith, causing him to become diseased and sick and permanently disabled from work.

Plaintiff further states that his injuries were directly caused by defendants, and each of them, in that R. V. Aycock, personally and as superintendent for his co-defendants, carelessly and negligently operated said work upon a negligent and dangerous method, in that they directed and required plaintiff, and other employees, to mix asbestos with water by placing his hands therein, requiring plaintiff to bend over a container in a stooping position, so that his nostrils and mouth were in close proximity to said asbestos fumes and particles, all of which made it reasonably likely that plaintiff's lungs would become surcharged with said asbestos particles and fumes to his damage and injury, all of which defendants knew, or by the exercise of ordinary care would have known.

Defendants and each of them were further negligent causing plaintiff's disability, injury and damage in that though defendants and each of them knew that said asbestos fumes and particles were likely to be breathed into plaintiff's lungs and to injure him as aforesaid, yet R. V. Aycock personally and as superintendent for his co-defendants negligently failed to warn plaintiff of the dangers thereof.

Defendants and each of them were further negligent causing plaintiff's disability in that though they knew of the danger of breathing particles and fumes of asbestos into the lungs, yet they carelessly and negligently failed to furnish any instrument, or device for the mixing of said ingredients with safety to plaintiff and other employees, or any mask, or device, or other protection to be used over his nostrils and mouth while said mixing process was going on, all of which made it reasonably

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likely that plaintiff would breath said fumes and particles and be injured thereby, all of which defendant knew, or by the exercise of ordinary care would have known.

Plaintiff states that his injuries as aforesaid do not fall within the terms of the Workmen's Compensation Act.

Plaintiff states that the aforesaid acts of negligence on the part of the defendants, and each of them, operated directly and concurrently to cause plaintiff's injuries, and that he has suffered injuries as follows:

His lungs fail to properly perform their natural and ordinary functions, all of which causes a general breaking down of plaintiff's physical system and rendering his respiratory, curculatory and assimilative functions to be greatly impaired, so that he is rendered permanently sick and disabled from performing labor; that all of said conditions render plaintiff extremely nervous, irritable and restless, unable to sleep, to get proper nourishment, causing him to feel stupid, with extreme lassitude, and causing him great mental anguish; that all of said conditions are permanent in their nature and character.

Plaintiff further states that because of said injuries he has been prevented and in the future will be prevented from earning money from his usual labor and occupation; that he has paid out, and will in the future pay and become liable to pay out large sums of money for medicine and medical attention, all to his damage in the sum of Fifty Thousand ($50,000.00) Dollars, for which sum with costs he prays judgment.

KENNARD & GRAHAM
Attorneys for Plaintiff.

(COPY)

CIRCUIT COURT - Summons

THE STATE OF MISSOURI,

To the Sheriff of Jackson County, Missouri, Greeting:

You are hereby commanded to summon

R. V. Aycock Company,
Aycock Corporation,
and
R. V. Aycock,

to appear in the Circuit Court of Jackson County, Missouri, at the County Court House in Kansas City, on the Second Monday in NOVEMBER next, and unless you, the said parties so summoned, file your Answer within three days thereafter to the petition of

Bernard Dugan

the same will be taken as confessed. And that you then and there have this writ, and that you certify how you execute the same.

Witness, LYNN G. BUFORD, Clerk of the Circuit Court with the seal thereof affixed, at office in Kansas City, Missouri, this 27th day of October, A. D. 1933.

LYNN G. BUFORD, Clerk.

(Seal)

By M.Shawhessy Deputy Clerk

P's EXHIBIT 0099-0010
FOR IDENTIFICATION
BAKER STEPHEN COLEMAN, COR. R.