NEW JERSEY SUPERIOR COURT
SOMERSET COUNTY

JOSEPH SLOVAK, :
Plaintiff, : Action at Law
-vs- : COMPLAINT
JOHNS-MANVILLE CORPORATION, :
Defendant. :

The plaintiff, Joseph Slovak, residing in Manville, County of Somerset, and State of New Jersey, says that:

FIRST COUNT

1. Plaintiff was in the employ of the defendant corporation at its plant at Manville, N.J. for many years until January 27, 1945, and from May 7, 1945 to May 17, 1945. However, the plaintiff's cause of action for damages for the injuries suffered by him, as hereinafter set forth, arose at the end of the year 1944.

2. At the time and place aforesaid, the defendant corporation was engaged in the manufacture of various asbestos products for commercial purposes.

3. The said defendant employed the plaintiff in its said work, and not only knew, but should have known, that there was generated in the said processes, certain dangerous, insidious and harmful dust particles that was destructive to life and health in the human body, when it penetrated or entered the same.

4. At the time and place aforesaid, it was the duty of the defendant to furnish the plaintiff with a reasonably safe place of work, to use a reasonably safe means and manner of operation, to make proper and reasonable tests or inspections of the atmosphere wherein the plaintiff worked, to provide a proper ventilating system in its plant, to provide the plaintiff with a proper respirator and to give the plaintiff proper information, warning and knowledge about the dangerous character of his work with the said dust particles.

5. The said defendant not only knew, but should have

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known, the dangerous nature of the said dust, but failed to keep the same in control, and was negligent in permitting the said dust particles to escape and to come into close proximity of the plaintiff's person, and expose the plaintiff so that he came into contact with and inhaled the said dust particles to the extent that his bronchial tubes, lungs, internal organs and body became permeated and infected with the same.

6. At the time and place aforesaid, the defendant violated the duty it owed to the plaintiff and was negligent in the following respects:

(a) In failing to use reasonable care to provide the plaintiff with a safe place of work.

(b) In failing to use reasonable care to provide a safe manner and means of operation, and in failing to provide the plaintiff with proper appliances or safeguards in said work.

(c) In failing to use reasonable care to make proper tests or inspections of the places wherein the plaintiff worked.

(d) In failing to use reasonable care to provide a proper ventilating system in the places wherein the plaintiff worked.

(e) In failing to use reasonable care to provide the plaintiff with a proper respirator or other appliances to sufficiently protect him from the dust particles.

(f) In failing to properly inform itself of the dangers of the said dust.

(g) In failing to give the plaintiff proper warning, information and knowledge about the dangerous character of his work with the said dust particles.

(h) In causing and creating excessive dust and in failing to provide proper means to control the same.

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(i) In violating the Labor Laws of the State of New Jersey (R.S. of N.J. 1937, 34:6[illegible]), and (R.S. of N.J. 1937, 34:6-61), in that the defendant failed to provide reasonably effective devices, means and methods to prevent the contraction by the plaintiff of a disease incident to his employment, and likewise failed to provide sufficient ventilation and means of ventilation to render harmless as far as practicable the excessive dust and impurities injurious to the health of the plaintiff that were generated by the defendant.

7. By reason of the aforesaid negligence on the part of the defendant, the said dust particles were introduced into the plaintiff's system and body at the time and place aforesaid, so that the plaintiff became afflicted with pneumoconiosis, and the aggravation of a cardiac condition, which injuries were caused, aggravated, activated, accelerated and exacerbated through his inhalation of the said dust particles, and by reason of the foregoing, the plaintiff's life has been shortened and the plaintiff has been caused a serious and permanent injury. By further reason of the foregoing, plaintiff has endured and will endure great pain and mental anguish, and will incur the expenditure of sums of money for medical attention and treatment, and has lost and will lose large sums of money in earnings, all to his damage in the sum of $40,000.00.

Plaintiff, Joseph Slovak, demands the sum of Forty Thousand Dollars ($40,000.00) as damages from the defendant under this First Count.

SECOND COUNT

1. Plaintiff repeats the allegations of paragraphs 1, 2 and 3 of the First Count.

2. At the time and place aforesaid, it was the statutory duty of the defendant to provide reasonably effective devices, means and methods to prevent the contraction by its employees of any illness or disease incident to the work or process in

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which it was engaged (R.S. of N.J., 1937, 34:6-48) and it was likewise the statutory duty of the defendant to provide sufficient ventilation and means of ventilation which should as far as practicable render harmless the dust and impurities of its plant (R.S. of N.J. 1937, 34:6-61).

3. In violation of its said statutory duties, the defendant failed to provide reasonably effective devices, means and methods to prevent the contraction by the plaintiff of a disease incident to his employment in the defendant's plant, and likewise failed to provide sufficient ventilation and means of ventilation to render harmless as far as practicable, the excessive dust and impurities injurious to the health of the plaintiff which were generated in the manufacturing process.

4. By reason of the violation of its statutory duties, the said dust particles were introduced into the plaintiff's system and body at the time and place aforesaid, so that the plaintiff became afflicted with pneumoconiosis, and the aggravation of a cardiac condition, which injuries were caused, aggravated, activated, accelerated and exacerbated through his inhalation of the said dust particles, and by reason of the foregoing, the plaintiff's life has been shortened and the plaintiff has been caused a serious and permanent injury. By further reason of the foregoing, plaintiff has endured and will endure great pain and mental anguish, and will incur the expenditure of sums of money for medical attention and treatment, and has lost and will lose large sums of money in earnings, all to his damage in the sum of $40,000.00.

Plaintiff, Joseph Slovak, demands the sum of Forty Thousand Dollars ($40,000.00) as damages from the defendant under this Second Count.

/s/ Rothbard, Harris & Oxfeld
Attorneys for Plaintiff

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