695

STATE OF ILLINOIS)
) ss.
COUNTY OF LAKE)

IN THE CIRCUIT COURT OF LAKE COUNTY

ESTELLA HACKER
vs. No. 34859
JOHNS-MANVILLE PRODUCTS CORPORATION, a corporation

COMPLAINT AT LAW

Plaintiff for cause of action against the defendant, states:

I. That on and prior to the 23rd day of December, 1933, the defendant owned, operated, controlled and managed a certain asbestos and roofing manufacturing business in the City of Waukegan, County of Lake, State of Illinois, and in the prosecution of its business did maintain and operate divers mixing, moulding, packing and stamping process for the manufacture of various moulded, compressed, and perforated asbestos rings and packing on washers and various other and sundry devices then and there in the course of manufacture by the said defendant.

II. That at the said time and place referred to as aforesaid and for a long time prior thereto, to-wit: since 1922, the plaintiff was employed by the defendant in the asbestos packing and washer department, and while so employed, maintained and operated divers perforating and punching processes for the purpose of perforating various forms of asbestos washers.

Address
Plaintiff's Attorney

CRMC-Motley1000-Subj-002457

III. That plaintiff was employed in the aforesaid work in various rooms then and there maintained by the defendant where a large number of employees were employed in the furtherance of the defendant's processes of manufacture, and that in the said operation of the aforesaid machines, divers large quantities of asbestos dust and other finely powdered dusts were caused to be thrown into the air and about the room or rooms in which the plaintiff was required to work, and that as a result of the aforesaid, plaintiff was exposed to the action of the aforesaid divers forms of dust, and did inhale into her lungs and bronchial track the aforesaid dust, etc., as aforesaid.

IV. That said work and processes referred to were work and processes which might produce illness and disease peculiar to the work and process so to carried on and the said work and processes subjected the employees of the defendant to danger of illness and disease incident to such work and process to which employees in other lines of employment are not ordinarily exposed, namely, to-wit: that said work and processes carried on subjected the employees of the defendant, including the plaintiff, to the danger of illness and disease incident to such work and processes to which employees in other lines of employment are not ordinarily exposed, to-wit: illness and disease caused by the action of the aforesaid dusts, asbestos dusts, and other dusty products, and that this diseases are known as silicosis, siderosis, pneumoconiosis, asbestosis, pulmonary tuberculosis, and various other pulmonary and bronchial complications.

Plaintiff's Attorney

Address

CRMC-Motley1000-Subj-002458

V. That at the said time and place there was in full force and effect in the State of Illinois a certain statute reading in words and figures as follows:

> "Be it enacted by the people of the State of Illinois, represented in the General Assembly, that every employer of labor in this State, engaged in carrying on any work or process which may produce any illness or disease peculiar to the work and process which subjects the employee to the danger of illness and disease, incident to such work and process, to which employees are not ordinarily exposed in other lines of employment, shall, for the protection of all employees, engaged in such work or process, adopt and provide reasonable and approved devices, means, or methods, for the prevention of such Industrial or Occupational diseases as are incident to such work or process."

and that it became and was the duty of the defendant to adopt and provide reasonable and approved devices, means, or methods, for the prevention of such Industrial or Occupational diseases as were incident to the work or processes carried on in the defendant's factory, to-wit: silicosis, siderosis, asbestosis, pneumoconiosis, pulmonary bronchial complications, yet, notwithstanding its duty in said regard the defendant wrongfully, wilfully, and unlawfully failed to adopt and provide and maintain adequate reasonable or approved devices, means, or methods for the prevention of such Industrial or Occupational diseases as were incident to such work or processes carried on in said factory, and that the defendant wilfully violated and wilfully failed to comply with the provisions of the Statute referred to as aforesaid, namely, defendant wrongfully, wilfully and in violation of the statute, failed to adopt and provide or maintain any adequate reasonable and approved devices, means, or methods for the removing of the dust, etc., occasioned and caused by the said processes referred to aforesaid through suction cleaners, methods of ventilation, masks, or by means

Address

Plaintiff's Attorney

CRMC-Motley1000-Subj-002459

Published by AsbestosClaims.Law
asbestosclaims.law/library/12028/3

[illegible] for the prevention of such Industrial or Occupational diseases incident to the work or processes carried on in said factory, to-wit: siderosis, pneumoconiosis, silicosis, asbestosis, pulmonary tuberculosis, and various other pulmonary and bronchial complications.

VI. Plaintiff further states that during her employment and while she was engaged in the capacity hereto-fore alleged, she was required to work in various machines and there was present in the said manufacturing apparatus conducted by the defendant various power driven devices, means which caused the aforesaid dusts to permeate the air and atmosphere and that the said dusts were well calculated to injure the plaintiff's respiratory system, and that the defendant knew or in the exercise of ordinary care and caution would have known that the said process, so carried on where the plaintiff was required to work, was charged with divers dusts, etc., and that the said process was not conducted wholly in the open air, but by reason of the foregoing, did become and was the duty of the defendant under the aforesaid statute to furnish the plaintiff with a service-able mask, to keep down the dust, and keep the premises free and clear of all noxious dusts caused to arise from the afore-said processes of manufacture, and that in consequence of the aforesaid, the plaintiff did continuously inhale into his respiratory system the aforesaid asbestos dusts, and other noxious materials then and there thrown out and into the air, and that by reason of plaintiff's exposure thereto, plaintiff con-tracted and developed a pulmonary condition known as asbestosis, silicosis, siderosis, pneumoconiosis, and various other pulmonary and bronchial complications.

Address

CRMC-Motley1000-Subj-002460

Published by AsbestosClaims.Law
asbestosclaims.law/library/12028/4

VII. That as a direct consequence of the foregoing, plaintiff became sick, sore, pale, disordered and will so remain during her life, and that she has become greatly emaciated, ill, and suffers great pain and anguish and will in the future so suffer, that she is stricken with an incurable disease, to-wit: asbestosis, pneumoconiosis, siderosis, silicosis, pulmonary tuberculosis, and various other pulmonary and bronchial complications and will so remain during her lifetime; that she has paid out and incurred divers large sums of money in and about endeavoring to become cured to said disease and will in the future lose divers large gains and profits which she would have otherwise made because of said injury to her health, on account of said disease.

Therefore, plaintiff demands judgment against the defendant in the sum of $50,000.00 and costs of this suit.

Drake H. Berg
Attorney for Plaintiff,
Six North Clark Street
Chicago, Illinois

Endorsed
Filed Apr 11-'35
L. J. Wilmot
Clerk.

Address

Plaintiff's Attorney

CRMC-Motley1000-Subj-002461