STATE OF ILLINOIS } SS
COUNTY OF COOK }

List #7
P.P.

IN THE SUPERIOR COURT OF COOK COUNTY

CHARLES SAROUNAS	
VS	NO. 34s7342
JOHNS MANVILLE CORPOR-	JURY DEMANDED
ATION, a corporation	

COMPLAINT AT LAW

COUNT I

The plaintiff, CHARLES SAROUNAS, by his attorney, SOL ANDREWS, complains of the defendant, JOHNS MANVILLE CORPORATION, a corporation, and says:

1. That on or about the 26th day of January, A.D. 1934 the defendant, JOHNS MANVILLE CORPOATION, was duly organized and authorized corporation, doing business in the State of Illinois, County of Lake, and City of Waukegan, at which time and place, it owned, operated, and maintained a factory, mill, or establishment for the purpose of manufacturing asbestos in its various forms.

2. That the said defendant, in its factory, owned and operated a certain department known as the tiling room, in which tiles were cut from hot slabs; that right next to this department there was another room, in which the ingredients that are used to make asbestos were mixed, and this produced a great deal of dust, which circulated and permeated the department known as the tiling room in such great quantities as to be greatly deleterious to the health of human beings.

3. That on the aforesaid day and at the time and place aforesaid and for a number of years prior thereto, the plaintiff was in the employ of said defendant and worked in the tiling room, cutting tiles from hot slabs; that he was exposed and

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subject to a great deal of dust which permeated the air in the tiling room from the room next to it, said dusts coming from the ingredients that were used and mixed to make asbestos.

4. That in the carrying on of the said business by the defendant as the same was being conducted and for many years prior thereto had been conducted, the defendant knew and by the exercise of due care and caution should have known that the same was apt to and did produce the illness and disease in the plaintiff, of which the plaintiff now complains, which illness and disease is peculiar to such work and operations carried on and used in the said business, to which employees were and are not ordinarily exposed in other lines of employment.

5. That the plaintiff was caused to and did, during the period aforesaid, necessarily breathe in large quantities of the various dusts as aforesaid through his nose and mouth, and said dusts became lodged in his throat and lungs, causing the illness hereinafter complained of, while he, the plaintiff, was in the exercise of due care and caution for his own personal health and safety.

6. That the plaintiff was in entire ignorance of the dangerious character of various dusts to which he was exposed and to the specific nature of the disease or diseases that would or could result from the inhalation of the aforesaid dusts, and was never, at any time, informed by any agent of the defendant of the fact that such danger did or could possibly exist.

7. That at and during the aforesaid time and place, the defendant did one or other of the following acts, thereby causing the plaintiff to contract and succumb to the occupational disease known as pneumoconiosis, as a result whereof, he has been incapacitated and weakened so that he cannot perform any work for which he is fitted; that he has lost considerable weight; he has suffered great mental and physical pain and anguish and will

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continue to suffer for the rest of his life; he has become liable for and expended large sums of money in and about endeavoring to be cured of his illness; he has been prevented and hindered from attending to his usual occupation and business whereby he has lost divers great gains and profits and will continue to lose divers great gains and profits.

(a) wilfully failed to provide reasonable and approved devices, methods, or means for the prevention of said disease, contrary to the provisions of Section I of an Act entitled, "An Act to Promote the Public Health by Protecting Certain Employees in this State from the Dangers of Occupational Diseases", and providing for the enforcement thereof, in this that there were, in and about the said premises no proper suction fans or other apparatus provided for collecting the injurious dusts in the air in and about the premises; that the defendant failed to provide masks or respirators or other apparatus to be used or worn by said plaintiff which would effectively prevent him from inhaling the said dusts caused to impregnate and float in the air as provided by the said statute, and which would effectively prevent the plaintiff from contracting the diseases herein complained of.

(b) negligently failed to remove as far as practicable, by either ventilating or exhaust devices, the aforesaid injurious dusts from the premises in which the plaintiff worked, contrary to Section 12 of an Act concerning the health and safety of employees in factories, mercantile establishments, mills, and workshops in the State of Illinois.

(c) negligently caused and permitted the premises to be swept so as to raise the aforesaid ducts, contrary to Section 13 of an Act concerning the health and safety of employees in factories, mercantile establishments, mills, and workshops.

Plaintiff asks judgment for Fifty Thousand Dollars ($50,000).

Sol Andrews

ATTORNEY FOR PLAINTIFF

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