COURT DEMANDED

STATE OF ILLINOIS)
) ss.
COUNTY OF C O O K)

PP

IN THE SUPERIOR COURT OF COOK COUNTY, ILLINOIS

PEARL H. BARENKLAU
Plaintiff,

-vs-

JOHNS-MANVILLE PRODUCTS CO., a corporation, and JOHNS-MANVILLE SALES CORPORATION, a corporation,
Defendants.

34S 5059

COMPLAINT AT LAW

Now comes the plaintiff, PEARL H. BARENKLAU, by his attorneys, JOHNSON, PENSE & BRANDELL, and complains of the defendants, JOHNS-MANVILLE PRODUCTS COMPANY, a corporation, and JOHNS-MANVILLE SALES CORPORATION, a corporation, as follows:

1. The defendants, JOHNS-MANVILLE PRODUCTS COMPANY and JOHNS-MANVILLE SALES CORPORATION, are foreign corporations, qualified to do business in the State of Illinois, and are engaged in the business of manufacturing and selling building materials.

2. That on March 9th, 1934, the said defendants owned and operated a factory for the manufacture of building materials in Waukegan, Illinois; that on the aforesaid date, and for a period of four years, excepting the period of from March, 1932, to July, 1933, prior thereto, plaintiff was employed by the defendants as a laborer in said factory; that his duties consisted of shovelling and mixing materials among which were rubber, asphalt, silica, ground wood-fibre, asbestos fibre, gilsonite and titonium oxide, paints and coloring matter; and that various

PRODUCED
JM 83

Published by AsbestosClaims.Law
asbestosclaims.law/library/12021/1

fumes, gases and dusts arose from said shovelling and mixing, and that, as a result thereof, plaintiff was exposed and subjected to the inhalation of the various fumes, gases and dusts.

3. That said defendants knew, or should have known, that the inhalation of the various aforesaid fumes, gases and dusts was apt to and did produce illnesses and diseases in the plaintiff, of which the plaintiff now complains, which illnesses and diseases are peculiar to such work and operations carried on and used in said business, and that the same did necessarily subject plaintiff to dangers of illnesses and diseases incident to such work and process of carrying on said business, to which employees were and are not ordinarily exposed in other lines of employment.

4. That plaintiff was caused to and did, during the period aforesaid, necessarily inhale large quantities of silica dust and other fumes, gases and dusts through his nose and mouth, and said silica dust, and other said fumes, gases and dusts, became lodged in his throat and lungs, causing the illnesses and diseases complained of, while he, the plaintiff, was in the exercise of due care and caution for his own personal health and safety.

5. That plaintiff was in entire ignorance of the dangerous character of the various fumes, gases, and dusts to which he was exposed, and to the specific nature of the illnesses and diseases that would or could result from the inhalation of the aforesaid fumes, gases and dusts, and was never, at any time, informed by the defendants, or any agents of the said defendants, of the fact that such danger did or could possibly exist.

6. That the defendants, during the aforesaid time and at the aforesaid place, did one or other of the following acts, thereby causing the plaintiff to contract silicosis, pneumonoconiosis, siderosis, asbestosis and tuberculosis, and as a result whereof, he has lost considerable weight, and has

PRODUCED
JM - 83

Published by AsbestosClaims.Law
asbestosclaims.law/library/12021/2

been incapacitated and weakened so that he cannot perform any work for which he is fitted; he has suffered great mental and physical pain and anguish, and will continue so 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; and he has been kept from his usual occupation and has lost the pecuniary gains which he might have made had he been employed:

(A) Wilfully failed to provide reasonable and approved devices, methods or means for the prevention of said disease, contrary to the provision of Section 1 of the 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," of the State of Illinois, and in this that there were in and about the said factory no proper suction fans, or other apparatus, providing for collecting the injurious fumes, gases and dusts in the air in the rooms in said factory where plaintiff worked; that defendants failed to provide masks or respirators or other apparatus to be used or worn by said plaintiff to protect him from inhaling the said fumes, gases and dusts, which impregnated and floated in the air in and about the said rooms, as provided by said Statute, and which effectively would have prevented him from contracting the diseases herein complained of.

(B) Negligently failed to remove, as far as practicable, by either ventilation or exhaust devices the aforesaid injurious fumes, gases and dusts from the rooms in which plaintiff worked, contrary to Section 12 of an Act, entitled "An Act To provide for the health, safety and comfort of employees in factories, mercantile establishments, mills and workshops in this State, and to provide for the enforcement thereof," of the State of Illinois.

(C) Negligently caused and permitted the premises to be swept so as to raise dust contrary to Section 13 of an Act,

PRODUCED
JM - 83

Published by AsbestosClaims.Law
asbestosclaims.law/library/12021/3

entitled "An Act to provide for the health, safety and comfort of employees in factories, mercantile establishments, mills and workshops in this State, and to provide for the enforcement thereof," of the State of Illinois.

7. Plaintiff prays for judgment in the amount of $50,000.00 for the foregoing damages.

JOHNSON, PENSE & BRANDELL
Attorneys for Plaintiff,

208 W. Washington Street, Chicago.
Tel. Franklin 2803.

PRODUCED
JM - 83

Published by AsbestosClaims.Law
asbestosclaims.law/library/12021/4

Thereupon on the same day to-wit on the 12th day of April A. D. 1934 a certain People's Writ of Summons issued out of the Office of the Clerk of said Court and under the Seal thereof directed to the Sheriff of Cook County to execute which writ together with the return of the Sheriff thereon endorsed are in words and figures following to-wit.

PRODUCED
JM - 83

Published by AsbestosClaims.Law
asbestosclaims.law/library/12021/5

PEARL [illegible] BARENKLAU

Plaintiffs
vs.

JOHNS-MANVILLE PRODUCTS CO., a corporation, and JOHNS-MANVILLE SALES CORPORATION, a corporation.

Defendants

No.

To the above named defendants:

You are hereby summoned to answer the complaint in the above entitled cause.

Take notice that you must file your answer or otherwise make your appearance in said court held in the courthouse in the City of Chicago, Illinois, on or before the first (~~next~~) Monday in the month of May, 1934, provided this writ shall be served upon you not less than 20 days prior to said date.

If this writ shall be served upon you less than 20 days before said date, you will file your answer or otherwise make your appearance in said court on or before the third (~~next~~) Monday in the month of May, 1934.

If you do not appear according to the command of this writ, plaintiff may take judgment against you by default.

This summons must be returned, in person or by mail, by the officer or other person to whom it was given for service, with indorsement thereon of service and fees, if any, not later than 5 days after service thereof and in no event later than the date first above named.

Witness, FRANK V. ZINTAK, the clerk of said court, and the seal thereof, at Chicago, Illinois, this 12th day of April, 1934.

(SEAL OF COURT)

FRANK V. ZINTAK
Clerk

Plaintiff's Attorney (or Plaintiff, if he be not represented by Attorney)

Johnson, Penge & Brandell

Address

208 W. Washington St. Phone Franklin 3803.

PRODUCED
JM - 83

Published by AsbestosClaims.Law
asbestosclaims.law/library/12021/6

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

IN THE SUPERIOR COURT OF COOK COUNTY

NICK BOJKO
VS
JOHNS MANVILLE CORPORATION
A CORPORATION

No. 34S 2959

COMPLAINT AT LAW

COUNT I

The plaintiff, NICK BOJKO, complains of the defendant, JOHNS MANVILLE CORPORATION, a corporation, and says:

1. That on or about the 30th day of March, A.D., 1932, the defendant, JOHNS MANVILLE CORPORATION, was a 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 mixing room, in which asbestos, fibre, cement, rock, and other ingredients were mixed together for the purpose of making fibre block; that in the mixing room, certain ingredients were mixed together for the purpose of making rock wool blocks, and during these processes, a great deal of dust from asbestos, fibre, cement, rock, and other materials were caused to and did impregnate the air in said premises 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, he was in the employ of said defendant, and worked as a laborer, mixing asbestos, fibre, cement, rock, and other ingredients together

Chicago

PRODUCED
JM - 83

Published by AsbestosClaims.Law
asbestosclaims.law/library/12021/7