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

IN THE CIRCUIT COURT OF COOK COUNTY

FRANK BROWN)
)
vs) NO. 34C 6265
)
JOHNS MANVILLE CORPORATION,)
)
A CORPORATION)

COMPLAINT AT LAW

COUNT I

The plaintiff, FRANK BROWN, by his attorney, SOL ROBINS, complains of the defendant, JOHNS MANVILLE CORPORATION, a corporation, and says:

1. That on or about the 30th day of June, A. D. 1932, the defendant, JOHNS MANVILLE CORPORATION, a 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 construction gang in which sand was shoveled into pits and cement was dumped out of trucks; that the said defendant also owned and operated another department known as the receiving gang, in which asbestos, fibre, and cement were shoveled into trucks; that during the course of work in both the aforesaid department sets, a great deal of sand dust, cement dust, asbestos dust, and fibre dust were caused to and did impregnate the air in such great quantities as to

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be greatly deleterious to the health of human beings.

3. That on the aforesaid day and at the time and place aforesaid, he was in the employ of the said defendant and worked in the construction gang, shoveling sand into piles and dumping cement out of trucks; that he also worked in the receiving gang, shoveling asbestos, fibre, and cement into trucks; that during the course of his employment by said defendant, he was exposed and subjected to a great deal of the aforesaid dusts circulating in and about the said departments.

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 carried on, 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 process of carrying on 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 asbestos dust, fibre dust, sand dust, and cement dust through his nose and mouth and said dusts became lodged in his throat and lungs, causing the illnesses hereinafter complained of, while 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 deleterious character of the 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

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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 diseases known as pneumoconiosis and tuberculosis, as a result whereof, he has lost considerable weight; he has been incapacitated and weakened so that he has been prevented from attending to his usual occupation and business, and 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 of his illnesses as aforesaid; 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 diseases, contrary to the provisions of Section 1 of and 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 said premises where plaintiff worked; that the defendant failed to provide masks or respirators or other apparatus to be used or worn by said plaintiff which would effectively prevent his from inhaling the said dusts caused to impregnate and float in the air in and about the said premises as pro-

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vided by the said statute, and which would effectively prevent him 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 asbestos dust, fibre dust, sand dust, and cement dust, contrary to Section 15 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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Be it remembered that heretofore, to-wit, on the 18th day of June A. D. 1934, a certain Complaint was filed in the office of the Clerk of said Court, in words and figures following, to-wit:

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