UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FREDERICK LE GRANDE	:	
Plaintiff	:	CIVIL NO. 741-57
-vs-	:	COMPLAINT AND DEMAND FOR JURY TRIAL
JOHNS MANVILLE PRODUCTS CORPORATION, a corporation of the State of Delaware	:	
Defendant	:	
	:	

Plaintiff residing at 151 Montgomery Avenue in the Town of Irvington, County of Essex and State of New Jersey says:

FIRST COUNT

1. Plaintiff, Frederick Le Grande is a resident and citizen of New Jersey.

2. Defendant, Johns Manville Products Corporation is a corporation and citizen of Delaware.

3. The amount in controversy exceeds the sum of $3,000.00 exclusive of interest and costs.

4. This Court has jurisdiction under Title 28, U.S. Code, §1332.

5. Plaintiff Frederick Le Grande has been employed for some time and until September 1, 1956 as a construction worker.

6. By reason of plaintiff's employment as aforesaid, plaintiff was required to handle, work with and utilize various and sundry products manufactured by the defendant, such products containing asbestos and other fibres, dust and particles.

7. The said products of the defendant were of a dangerous character by reason of their composition and

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particularly but not limited to the asbestos and other fibres, dust and particles in that continued contact with the said materials and products and handling of them would and did expose plaintiff and other persons similarly situated to the likelihood of contracting serious and crippling diseases, including but not limited to pulmonary asbestosis, fibrosis and silicosis.

8. Defendant knew or should have known of the dangerous and toxic qualities of its products and of the likelihood of said serious diseases resulting from prolonged exposure to and handling of the said products.

9. Defendant was negligent in failing to conduct or properly to conduct research concerning the contents, make-up and toxic effect of its products, and was further negligent in the manufacture, make-up, packaging and labeling of such dangerous and toxic products and was further negligent in failing to provide any or adequate warnings or instructions as to the use and handling of same. By reason of the defendant's negligence as aforesaid, plaintiff and others have been exposed to and have contracted the aforesaid serious and crippling diseases.

10. By reason of the foregoing plaintiff has contracted a serious and crippling disease or diseases affecting his lungs, heart and other members of his body and by reason of the same has incurred considerable medical and hospital expenses, has expended large sums of money on drugs and medicines, has been compelled to terminate his employment and is permanently incapable by reason of his physical and mental condition as alleged herein to secure other employment and is so incapacitated for the rest of his natural days

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have and will continue to have heavy and continued expenses for drugs, medicines, doctors, further hospital treatment and other remedial and alleviating treatment and plaintiff has been rendered nervous and mentally incapacitated as well as physically incapacitated by said disease heretofore alleged.

SECOND COUNT

11. Plaintiff repeats the allegations of Paragraphs 1 through 8 above.

12. Defendant in manufacturing and selling said products warranted that same were reasonably fit and safe for the uses to which they were to be put.

13. Plaintiff as one of the class of persons whom the defendant intended to, and knew or should have known, would use said products was entitled to the benefits of the aforesaid warranty.

14. The said products were not in fact reasonably fit and safe for the uses to which they were to be put in the respects set forth in paragraphs 7 and 8 above and further in that they contained no, nor adequate warnings or instructions as to their use and handling.

15. Plaintiff repeats the allegations of Paragraph 10 above.

WHEREFORE, Plaintiff demands judgment against the defendant for and in the sum of $500,000.00 and costs of suit.

William L. Brach
WILLIAM L. BRACH
ATTORNEY FOR PLAINTIFF

Plaintiff hereby demands a trial by jury of all issues in the within action.

William L. Brach
WILLIAM L. BRACH
ATTORNEY FOR PLAINTIFF

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SUMMONS IN A CIVIL ACTION

D. C. Form No. 61 Rev. (6-49)

United States District Court

FOR THE

DISTRICT OF NEW JERSEY

DIVISION

CIVIL ACTION FILE NO. 241-57

FREDERICK LE GRANDE

Plaintiff

v.

JOHNS MANVILLE PRODUCTS CORPORATION, a corporation of the State of Delaware

Defendant

SUMMONS

To the above named Defendant :

You are hereby summoned and required to serve upon William L. Brach, Esq.

plaintiff's attorney , whose address 60 Park Place, Newark, New Jersey

an answer to the complaint which is herewith served upon you, within 20 **days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.**

Michael Keller, Jr. Clerk of Court.

Blythe G. Baum Deputy Clerk.

Date: July 17th, 1957

[Seal of Court]

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Note—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

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