

# **EXHIBIT A**

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Los Angeles Superior Court  
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Sherri R. Carlson, Executive Officer/Clerk  
By Shaunya Bolden, Deputy

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11 **EC 691900**

12 **TERRY LEE SIEGFRIED and**  
13 **TERRI SIEGFRIED,**

Case No.

14 Plaintiffs,

THIS ACTION CONSTITUTES COMPLEX  
ASBESTOS LITIGATION

15 vs.

**COMPLAINT FOR PERSONAL INJURY –  
ASBESTOS (NEGLIGENCE; STRICT  
LIABILITY, FALSE REPRESENTATION  
UNDER RESTATEMENT OF TORTS  
SECTION 402-B; INTENTIONAL  
TORT/INTENTIONAL FAILURE TO  
WARN; RESPIRATOR DEFENDANT’S  
NEGLIGENCE; RESPIRATOR  
DEFENDANTS’ STRICT LIABILITY; LOSS  
OF CONSORTIUM)**

16 **3M COMPANY (f/k/a MINNESOTA**  
17 **MINING & MANUFACTURING**  
18 **COMPANY);**  
19 **AIR & LIQUID SYSTEMS**  
20 **CORPORATION (sued individually**  
21 **and as successor-in-interest to**  
22 **BUFFALO PUMPS, INC.);**  
23 **ABB, INC. (individually and as**  
24 **successor-in-interest to ITE IMPERIAL**  
25 **CO f/k/a ITE CIRCUIT BREAKER**  
26 **COMPANY);**  
27 **ALFA LAVAL INC. (sued individually**  
28 **and as successor-in-interest to THE**  
**DELAVAL SEPARATOR COMPANY**  
**and SHARPLES CORPORATION);**  
**ATWOOD & MORRILL CO., INC.**  
**d/b/a WEIR VALVES & CONTROLS**  
**USA INC.;**  
**AURORA PUMP COMPANY;**  
**A.O. SMITH CORP.;**  
**BACOU-DALLOZ USA, INC., (sued**  
**as successor-in-intrest and/or f/k/a**  
**W.G.M. SAFETY PRODUCTS d/b/a**

1 WILLSON SAFETY PRODUCTS);  
2 **CARRIER CORPORATION;**  
3 **CARVER PUMP COMPANY;**  
4 **CBS CORPORATION** (a Delaware  
5 Corporation) f/k/a **VIACOM, INC.** (as  
6 successor-by-merger to CBS  
7 CORPORATION) (a Pennsylvania  
8 Corporation) f/k/a **WESTINGHOUSE**  
9 **ELECTRIC CORPORATION**) and also  
10 as successor-in-interest to **BF**  
11 **STURTEVANT;**  
12 **CLA-VAL CO.;**  
13 **CLEAVER-BROOKS, INC.** (sued  
14 individually and as successor-in-interest  
15 to **DAVIS ENGINEERING**  
16 COMPANY formerly known as **AQUA-**  
17 **CHEM, INC.** doing business as  
18 **CLEAVER-BROOKS DIVISION);**  
19 **COOPER WIRING DEVICES,** a  
20 division of **COOPER INDUSTRIES**  
21 (individually and as successor-in-  
22 interest to **ARROW-HART &**  
23 **HEGEMAN, INC.);**  
24 **COPE-S-VULCAN, INC.;**  
25 **CRANE CO.** (sued individually and  
26 successor-in-interest to **COCHRANE**  
27 CORPORATION; **CHAPMAN VALVE**  
28 COMPANY and **JENKINS VALVES);**  
**CRANE ENVIRONMENTAL, INC.**  
(sued individually and successor-in-  
interest to **COCHRANE**  
CORPORATION);  
**EATON CORPORATION** (sued  
individually and as successor-in-interest  
to **CUTLER-HAMMER INC.);**  
**EATON ELECTRICAL, INC.** (sued  
individually and as successor-in-interest  
to **CUTLER-HAMMER INC.);**  
**ELLIOT TURBOMACHINERY**  
COMPANY a/k/a **ELLIOTT**  
COMPANY;  
**EMERSON ELECTRIC CO.**  
(individually and as successor-in-  
interest to **KEYSTONE VALVES AND**  
**CONTROLS, INC.);**  
**FISHER CONTROLS**

1 **INTERNATIONAL LLC f/k/a**  
2 **FISHER GOVERNOR COMPANY;**  
3 **FMC CORPORATION** (sued  
4 individually and as successor-in-interest  
5 to **NORTHERN PUMP COMPANY**  
6 and **PEERLESS PUMP COMPANY**);  
7 **FOSTER WHEELER ENERGY**  
8 **CORPORATION;**  
9 **FRASER BOILER SERVICE, INC.;**  
10 **GARDNER-DENVER, INC.;**  
11 **GENERAL DYNAMICS**  
12 **CORPORATION** (successor-in-  
13 interest to **BATH IRON WORKS LTD.**  
14 **f/k/a THE HYDE WINDLASS**  
15 **COMPANY**);  
16 **GENERAL ELECTRIC COMPANY**  
17 (individually and as successor-in-  
18 interest to **MASONEILAN**, and  
19 **MANNING, MAXWELL & MOORE,**  
20 **INC.**);  
21 **GIBBS & COX, INC.;**  
22 **THE GORMAN-RUPP COMPANY**  
23 (individually and as successor-in-  
24 interest to **PATTERSON PUMP**  
25 **COMPANY**, and **C.H. WHEELER**);  
26 **GOULDS ELECTRONICS** (as  
27 successor-in-interest to **ITE CIRCUIT**  
28 **BREAKER CO.**);  
**GOULDS PUMPS, INC.;**  
**HARDIE-TYNES CO., INC.** (sued  
individually and as successor-in-interest  
to **HARDIE-TYNES**  
**MANUFACTURING CO.** and  
**HARDIE-TYNES**  
**MANUFACTURING COMPANY**);  
**HARDIE-TYNES FOUNDRY &**  
**MACHINE CO.** (sued individually and  
as successor-in-interest to **HARDIE-**  
**TYNES MANUFACTURING CO.** and  
**HARDIE-TYNES**  
**MANUFACTURING COMPANY**);  
**HARDIE-TYNES, LLC** (sued  
individually and as successor-in-interest  
to **HARDIE-TYNES**  
**MANUFACTURING CO.** and  
**HARDIE-TYNES**

1 MANUFACTURING COMPANY);  
2 **HERCULES MANUFACTURING**  
3 **COMPANY, INC.;**  
4 **HOWDEN NORTH AMERICA, INC.**  
5 **f/k/a-HOWDEN-BUFFALO,-INC.**  
6 (individually and as successor-in-  
7 interest to BUFFALO FORGE  
8 COMPANY);  
9 **IMO INDUSTRIES, INC.** (sued  
10 individually and as successor-in-interest  
11 to DELAVAL TURBINE, INC.);  
12 **INGERSOLL-RAND COMPANY**  
13 (individually and as successor-in-  
14 interest to TERRY STEAM  
15 TURBINE);  
16 **ITT INDUSTRIES, INC.** (sued  
17 individually and as successor-in-interest  
18 to BELL & GOSSETT, FOSTER  
19 ENGINEERING and HOFFMAN  
20 SPECIALTY);  
21 **KERR MACHINERY CO. n/k/a**  
22 **KERR PUMP & SUPPLY INC.;**  
23 **LAWLER MANUFACTURING**  
24 **COMPANY, INC. f/k/a LAWLER**  
25 **AUTOMATIC CONTROLS, INC.;**  
26 **THE MARLEY-WYLAIN**  
27 **COMPANY;**  
28 **MUELLER STEAM SPECIALITY**  
**COMPANY n/k/a WATTS WATER**  
**TECHNOLOGIES, INC.;**  
**THE NASH ENGINEERING**  
**COMPANY;**  
**OWENS-ILLINOIS, INC.;**  
**PPG INDUSTRIES, INC.**  
(individually and as successor-in-  
interest to AKZO NOBEL INC., and  
DEVOE COATINGS);  
**QUIMBY EQUIPMENT**  
**COMPANY;**  
**ROBERTSHAW CONTROLS**  
**COMPANY** (individually and as  
successor-in-interest to FULTON  
SYLPHON COMPANY);  
**ROCKWELL AUTOMATION INC.**  
(individually and as successor by  
merger to ALLEN-BRADLEY

1 COMPANY LLC and ROSTONE  
CORPORATION);  
2 **ROSS OPERATING VALVE**  
3 **COMPANY** d/b/a ROSS CONTROLS;  
4 **RSCC WIRE & CABLE, LLC.**;  
5 **SCHNEIDER ELECTRIC, USA,**  
6 **INC.,** f/k/a SQUARE D COMPANY;  
7 **SIEMENS CORPORATION**  
8 (individually and as successor-in-  
9 interest to ITE CIRCUIT BREAKER  
10 CO.);  
11 **SIEMENS ENERGY INC.**  
12 (individually and as successor by  
13 merger to DRESSER-RAND GROUP,  
14 INC.);  
15 **SPIRAX SARCO, INC.;**  
16 **SPX CORPORATION** (sued  
17 individually and as successor-in-interest  
18 to THE MARLEY COMPANY,  
19 WYLAIN, INC., WEIL-McCLAIN, a  
20 division of WYLAIN, INC., and WEIL-  
21 McCLAIN);  
22 **STERLING FLUID SYSTEMS,**  
23 **(USA) LLC** f/k/a PEERLESS PUMP  
24 COMPANY;  
25 **SULZER PUMPS HOUSTON, INC.**  
26 (sued individually and as successor-in-  
27 interest to PACO PUMPS f/k/a  
28 PACIFIC PUMPING COMPANY);  
**SUPERIOR-LIDGERWOOD-**  
**MUNDY** (individually and as  
successor-in-interest to M.T. Davidson  
Co.);  
**VELAN VALVE CORP.;**  
**VIAD CORP** f/k/a THE DIAL  
CORPORATION (sued individually and  
as successor-in-interest to GRISCOM-  
RUSSELL COMPANY);  
**VIKING PUMP, INC.,** a Unit of IDEX  
Corporation;  
**WARREN PUMPS, LLC** (individually  
and as successor-in-interest to  
QUIMBY PUMP COMPANY);  
**WEIL-McCLAIN;**  
**WEIL-McCLAIN,** a division of THE  
MARLEY COMPANY (sued

1 individually and as successor-in-interest  
to WYLAIN CO.);

2 **WILO USA LLC** (individually and as  
3 successor-in-interest to WEIL PUMP  
COMPANY,-INC.);

4 **WEIR VALVES & CONTROLS USA**  
5 **INC. f/k/a ATWOOD & MORRILL;**  
6 **THE WILLIAM POWELL**  
7 **COMPANY;**  
and DOES 1-450, inclusive,

8 Defendants.

9 **GENERAL ALLEGATIONS**

10 COME NOW, Plaintiffs **TERRY LEE SIEGFRIED** and **TERRI SIEGFRIED**  
11 (hereinafter "Plaintiffs") and complain and allege as follows:

12 1. The true names and capacities, whether individual, corporate, associate,  
13 governmental or otherwise, of Defendants DOES 1 through 450, inclusive, are unknown to  
14 Plaintiffs at this time, who therefore sue said Defendants by such fictitious names. When the  
15 true names and capacities of said Defendants have been ascertained, Plaintiffs will amend this  
16 complaint accordingly. Plaintiffs are informed and believe, and thereon allege, that each  
17 Defendant designated herein as a DOE is responsible, negligently or in some other actionable  
18 manner, for the events and happenings hereinafter referred to, and caused injuries and damages  
19 proximately thereby to the Plaintiffs, as hereinafter alleged.

20 2. At all times herein mentioned, each of the Defendants was the agent, servant,  
21 employee and/or joint venture of his co-Defendants, and each of them, and at all said times each  
22 Defendant was acting in the full course and scope of said agency, service, employment and/or  
23 joint venture. Plaintiffs are informed and believe, and thereon allege that at all times herein  
24 mentioned, Defendants **3M COMPANY (f/k/a MINNESOTA MINING & MANUFACTURING**  
25 **COMPANY); AIR & LIQUID SYSTEMS CORPORATION** (sued individually and as  
26 successor-in-interest to **BUFFALO PUMPS, INC.); ABB, INC.** (individually and as successor-  
27 in-interest to **ITE IMPERIAL CO f/k/a ITE CIRCUIT BREAKER COMPANY); ALFA**  
28 **LAVAL INC.** (sued individually and as successor-in-interest to **THE DELAVAL SEPARATOR**

1 COMPANY and SHARPLES CORPORATION); ATWOOD & MORRILL CO., INC. d/b/a  
2 WEIR VALVES & CONTROLS USA INC.; AURORA PUMP COMPANY; A.O. SMITH  
3 CORP.; BACOU-DALLOZ USA, INC., (sued as successor-in-interest and/or f/k/a W.G.M.  
4 SAFETY PRODUCTS d/b/a WILLSON SAFETY PRODUCTS); CARRIER CORPORATION;  
5 CARVER PUMP COMPANY; CBS CORPORATION (a Delaware Corporation) f/k/a  
6 VIACOM, INC. (as successor-by-merger to CBS CORPORATION) (a Pennsylvania  
7 Corporation) f/k/a WESTINGHOUSE ELECTRIC CORPORATION) and also as successor-in-  
8 interest to BF STURTEVANT; CLA-VAL CO.; CLEAVER-BROOKS, INC. (sued individually  
9 and as successor-in-interest to DAVIS ENGINEERING COMPANY formerly known as  
10 AQUA-CHEM, INC. doing business as CLEAVER-BROOKS DIVISION); COOPER WIRING  
11 DEVICES, a division of COOPER INDUSTRIES (individually and as successor-in-interest to  
12 ARROW-HART & HEGEMAN, INC.); COPES-VULCAN, INC.; CRANE CO. (sued  
13 individually and successor-in-interest to COCHRANE CORPORATION; CHAPMAN VALVE  
14 COMPANY and JENKINS VALVES); CRANE ENVIRONMENTAL, INC. (sued individually  
15 and successor-in-interest to COCHRANE CORPORATION); EATON CORPORATION (sued  
16 individually and as successor-in-interest to CUTLER-HAMMER INC.); EATON  
17 ELECTRICAL, INC. (sued individually and as successor-in-interest to CUTLER-HAMMER  
18 INC.); ELLIOT TURBOMACHINERY COMPANY a/k/a ELLIOTT COMPANY; EMERSON  
19 ELECTRIC CO. (individually and as successor-in-interest to KEYSTONE VALVES AND  
20 CONTROLS, INC.); FISHER CONTROLS INTERNATIONAL LLC f/k/a FISHER  
21 GOVERNOR COMPANY; FMC CORPORATION (sued individually and as successor-in-  
22 interest to NORTHERN PUMP COMPANY and PEERLESS PUMP COMPANY); FOSTER  
23 WHEELER ENERGY CORPORATION; FRASER BOILER SERVICE, INC.; GARDNER-  
24 DENVER, INC.; GENERAL DYNAMICS CORPORATION (successor-in-interest to BATH  
25 IRON WORKS LTD. f/k/a THE HYDE WINDLASS COMPANY); GENERAL ELECTRIC  
26 COMPANY (individually and as successor-in-interest to MASONEILAN, and MANNING,  
27 MAXWELL & MOORE, INC.); GIBBS & COX, INC.; THE GORMAN-RUPP COMPANY  
28 (individually and as successor-in-interest to PATTERSON PUMP COMPANY, and C.H.

1 WHEELER); GOULDS ELECTRONICS (as successor-in-interest to ITE CIRCUIT BREAKER  
2 CO.); GOULDS PUMPS, INC.; HARDIE-TYNES CO., INC. (sued individually and as  
3 successor-in-interest to HARDIE-TYNES MANUFACTURING CO. and HARDIE-TYNES  
4 MANUFACTURING COMPANY); HARDIE-TYNES FOUNDRY & MACHINE CO. (sued  
5 individually and as successor-in-interest to HARDIE-TYNES MANUFACTURING CO. and  
6 HARDIE-TYNES MANUFACTURING COMPANY); HARDIE-TYNES, LLC (sued  
7 individually and as successor-in-interest to HARDIE-TYNES MANUFACTURING CO. and  
8 HARDIE-TYNES MANUFACTURING COMPANY); HERCULES MANUFACTURING  
9 COMPANY, INC; HOWDEN NORTH AMERICA, INC. f/k/a HOWDEN BUFFALO, INC.  
10 (individually and as successor-in-interest to BUFFALO FORGE COMPANY); IMO  
11 INDUSTRIES, INC. (sued individually and as successor-in-interest to DELAVAL TURBINE,  
12 INC.); INGERSOLL-RAND COMPANY (individually and as successor-in-interest to TERRY  
13 STEAM TURBINE); ITT INDUSTRIES, INC. (sued individually and as successor-in-interest to  
14 BELL & GOSSETT, FOSTER ENGINEERING and HOFFMAN SPECIALTY); KERR  
15 MACHINERY CO. n/k/a KERR PUMP & SUPPLY INC.; LAWLER MANUFACTURING  
16 COMPANY, INC. f/k/a LAWLER AUTOMATIC CONTROLS, INC.; THE MARLEY-  
17 WYLAIN COMPANY; MUELLER STEAM SPECIALITY COMPANY n/k/a WATTS  
18 WATER TECHNOLOGIES, INC.; THE NASH ENGINEERING COMPANY; OWENS-  
19 ILLINOIS, INC.; PPG INDUSTRIES, INC. (individually and as successor-in-interest to AKZO  
20 NOBEL INC., and DEVOE COATINGS); QUIMBY EQUIPMENT COMPANY;  
21 ROBERTSHAW CONTROLS COMPANY (individually and as successor in-interest to  
22 FULTON SYLPHON COMPANY); ROCKWELL AUTOMATION INC. (individually and as  
23 successor by merger to ALLEN-BRADLEY COMPANY LLC and ROSTONE  
24 CORPORATION); ROSS OPERATING VALVE COMPANY d/b/a ROSS CONTROLS;  
25 RSCC WIRE & CABLE, LLC.; SCHNEIDER ELECTRIC, USA, INC., f/k/a SQUARE D  
26 COMPANY; SIEMENS CORPORATION (individually and as successor-in-interest to ITE  
27 CIRCUIT BREAKER CO.); SIEMENS ENERGY INC. (individually and as successor by  
28 merger to DRESSER-RAND GROUP, INC.); SPIRAX SARCO, INC.; SPX CORPORATION

1 (sued individually and as successor-in-interest to THE MARLEY COMPANY, WYLAIN, INC.,  
2 WEIL-McCLAIN, a division of WYLAIN, INC., and WEIL-McCLAIN); STERLING FLUID  
3 SYSTEMS, (USA) LLC f/k/a PEERLESS PUMP COMPANY; SULZER PUMPS HOUSTON,  
4 INC. (sued individually and as successor-in-interest to PACO PUMPS f/k/a PACIFIC  
5 PUMPING COMPANY); SUPERIOR-LIDGERWOOD-MUNDY (individually and as  
6 successor-in-interest to M.T. Davidson Co.); VELAN VALVE CORP.; VIAD CORP f/k/a THE  
7 DIAL CORPORATION (sued individually and as successor-in-interest to GRISCOM-  
8 RUSSELL COMPANY); VIKING PUMP, INC., a Unit of IDEX Corporation; WARREN  
9 PUMPS, LLC (individually and as successor-in-interest to QUIMBY PUMP COMPANY);  
10 WEIL-McCLAIN; WEIL-McCLAIN, a division of THE MARLEY COMPANY (sued  
11 individually and as successor-in-interest to WYLAIN CO.); WILO USA LLC (individually and  
12 as successor-in-interest to WEIL PUMP COMPANY, INC.); WEIR VALVES & CONTROLS  
13 USA INC. f/k/a ATWOOD & MORRILL; THE WILLIAM POWELL COMPANY; and DOES  
14 1-450 ("Defendants"), inclusive, were individuals, corporations, partnerships and/or  
15 unincorporated associations organized and existing under and by virtue of the laws of the State  
16 of California, or the laws of some other state or foreign jurisdiction, and that said Defendants,  
17 and each of them, were and are authorized to do and are doing business in the State of  
18 California, or the laws of some other state or foreign jurisdiction, and that said Defendants, and  
19 each of them, were and are authorized to do and are doing business in the State of California,  
20 and that said Defendants have regularly conducted business in the County of Los Angeles, State  
21 of California.

22 3. Plaintiffs allege that Plaintiff TERRY LEE SIEGFRIED was exposed to asbestos,  
23 asbestos-containing products and/or products designed to be used in association with asbestos  
24 products during his tenure as an electrician at Long Beach Naval Shipyard from approximately  
25 1969 through 1996.

26 4. Plaintiffs allege herein that Plaintiff TERRY LEE SIEGFRIED developed  
27 malignant mesothelioma as a result of Defendants AIR & LIQUID SYSTEMS  
28 CORPORATION (sued individually and as successor-in-interest to BUFFALO PUMPS, INC.);

1 ABB, INC. (individually and as successor-in-interest to ITE IMPERIAL CO f/k/a ITE  
2 CIRCUIT BREAKER COMPANY); ALFA LAVAL INC. (sued individually and as successor-  
3 in-interest to THE DELAVAL SEPARATOR COMPANY and SHARPLES CORPORATION);  
4 ATWOOD & MORRILL CO., INC. d/b/a WEIR VALVES & CONTROLS USA INC.;  
5 AURORA PUMP COMPANY; A.O. SMITH CORP.; CARRIER CORPORATION; CARVER  
6 PUMP COMPANY; CBS CORPORATION (a Delaware Corporation) f/k/a VIACOM, INC. (as  
7 successor-by-merger to CBS CORPORATION) (a Pennsylvania Corporation) f/k/a  
8 WESTINGHOUSE ELECTRIC CORPORATION) and also as successor-in-interest to BF  
9 STURTEVANT; CLA-VAL CO.; CLEAVER-BROOKS, INC. (sued individually and as  
10 successor-in-interest to DAVIS ENGINEERING COMPANY formerly known as AQUA-  
11 CHEM, INC. doing business as CLEAVER-BROOKS DIVISION); COOPER WIRING  
12 DEVICES, a division of COOPER INDUSTRIES (individually and as successor-in-interest to  
13 ARROW-HART & HEGEMAN, INC.); COPES-VULCAN, INC.; CRANE CO. (sued  
14 individually and successor-in-interest to COCHRANE CORPORATION; CHAPMAN VALVE  
15 COMPANY and JENKINS VALVES); CRANE ENVIRONMENTAL, INC. (sued individually  
16 and successor-in-interest to COCHRANE CORPORATION); EATON CORPORATION (sued  
17 individually and as successor-in-interest to CUTLER-HAMMER INC.); EATON  
18 ELECTRICAL, INC. (sued individually and as successor-in-interest to CUTLER-HAMMER  
19 INC.); ELLIOT TURBOMACHINERY COMPANY a/k/a ELLIOTT COMPANY; EMERSON  
20 ELECTRIC CO. (individually and as successor-in-interest to KEYSTONE VALVES AND  
21 CONTROLS, INC.); FISHER CONTROLS INTERNATIONAL LLC f/k/a FISHER  
22 GOVERNOR COMPANY; FMC CORPORATION (sued individually and as successor-in-  
23 interest to NORTHERN PUMP COMPANY and PEERLESS PUMP COMPANY); FOSTER  
24 WHEELER ENERGY CORPORATION; FRASER BOILER SERVICE, INC.; GARDNER-  
25 DENVER, INC.; GENERAL DYNAMICS CORPORATION (successor-in-interest to BATH  
26 IRON WORKS LTD. f/k/a THE HYDE WINDLASS COMPANY); GENERAL ELECTRIC  
27 COMPANY (individually and as successor-in-interest to MASONEILAN, and MANNING,  
28 MAXWELL & MOORE, INC.); GIBBS & COX, INC.; THE GORMAN-RUPP COMPANY

1 (individually and as successor-in-interest to PATTERSON PUMP COMPANY, and C.H.  
2 WHEELER); GOULDS ELECTRONICS (as successor-in-interest to ITE CIRCUIT BREAKER  
3 CO.); GOULDS PUMPS, INC.; HARDIE-TYNES CO., INC. (sued individually and as  
4 successor-in-interest to HARDIE-TYNES MANUFACTURING CO. and HARDIE-TYNES  
5 MANUFACTURING COMPANY); HARDIE-TYNES FOUNDRY & MACHINE CO. (sued  
6 individually and as successor-in-interest to HARDIE-TYNES MANUFACTURING CO. and  
7 HARDIE-TYNES MANUFACTURING COMPANY); HARDIE-TYNES, LLC (sued  
8 individually and as successor-in-interest to HARDIE-TYNES MANUFACTURING CO. and  
9 HARDIE-TYNES MANUFACTURING COMPANY); HERCULES MANUFACTURING  
10 COMPANY, INC; HOWDEN NORTH AMERICA, INC. f/k/a HOWDEN BUFFALO, INC.  
11 (individually and as successor-in-interest to BUFFALO FORGE COMPANY); IMO  
12 INDUSTRIES, INC. (sued individually and as successor-in-interest to DELAVAL TURBINE,  
13 INC.); INGERSOLL-RAND COMPANY (individually and as successor-in-interest to TERRY  
14 STEAM TURBINE); ITT INDUSTRIES, INC. (sued individually and as successor-in-interest to  
15 BELL & GOSSETT, FOSTER ENGINEERING and HOFFMAN SPECIALTY); KERR  
16 MACHINERY CO. n/k/a KERR PUMP & SUPPLY INC.; LAWLER MANUFACTURING  
17 COMPANY, INC. f/k/a LAWLER AUTOMATIC CONTROLS, INC.; THE MARLEY-  
18 WYLAIN COMPANY; MUELLER STEAM SPECIALITY COMPANY n/k/a WATTS  
19 WATER TECHNOLOGIES, INC.; THE NASH ENGINEERING COMPANY; OWENS-  
20 ILLINOIS, INC.; PPG INDUSTRIES, INC. (individually and as successor-in-interest to AKZO  
21 NOBEL INC., and DEVOE COATINGS); QUIMBY EQUIPMENT COMPANY;  
22 ROBERTSHAW CONTROLS COMPANY (individually and as successor in-interest to  
23 FULTON SYLPHON COMPANY); ROCKWELL AUTOMATION INC. (individually and as  
24 successor by merger to ALLEN-BRADLEY COMPANY LLC and ROSTONE  
25 CORPORATION); ROSS OPERATING VALVE COMPANY d/b/a ROSS CONTROLS;  
26 RSCC WIRE & CABLE, LLC.; SCHNEIDER ELECTRIC, USA, INC., f/k/a SQUARE D  
27 COMPANY; SIEMENS CORPORATION (individually and as successor-in-interest to ITE  
28 CIRCUIT BREAKER CO.); SIEMENS ENERGY INC. (individually and as successor by

1 merger to DRESSER-RAND GROUP, INC.); SPIRAX SARCO, INC.; SPX CORPORATION  
2 (sued individually and as successor-in-interest to THE MARLEY COMPANY, WYLAIN, INC.,  
3 WEIL-McCLAIN, a division of WYLAIN, INC., and WEIL-McCLAIN); STERLING FLUID  
4 SYSTEMS, (USA) LLC f/k/a PEERLESS PUMP COMPANY; SULZER PUMPS HOUSTON,  
5 INC. (sued individually and as successor-in-interest to PACO PUMPS f/k/a PACIFIC  
6 PUMPING COMPANY); SUPERIOR-LIDGERWOOD-MUNDY (individually and as  
7 successor-in-interest to M.T. Davidson Co.); VELAN VALVE CORP.; VIAD CORP f/k/a THE  
8 DIAL CORPORATION (sued individually and as successor-in-interest to GRISCOM-  
9 RUSSELL COMPANY); VIKING PUMP, INC., a Unit of IDEX Corporation; WARREN  
10 PUMPS, LLC (individually and as successor-in-interest to QUIMBY PUMP COMPANY);  
11 WEIL-McCLAIN; WEIL-McCLAIN, a division of THE MARLEY COMPANY (sued  
12 individually and as successor-in-interest to WYLAIN CO.); WILO USA LLC (individually and  
13 as successor-in-interest to WEIL PUMP COMPANY, INC.); WEIR VALVES & CONTROLS  
14 USA INC. f/k/a ATWOOD & MORRILL; THE WILLIAM POWELL COMPANY; and DOES  
15 1-450's ("Product Defendants") negligence and Plaintiff TERRY LEE SIEGFRIED'S exposure  
16 to asbestos from products sold, shipped, supplied, distributed, installed, removed, or replaced by  
17 Product Defendants. These products were defective and inherently dangerous asbestos-  
18 containing products and/or products defectively designed to be used in association with asbestos  
19 products

20 5. Plaintiffs additionally allege that Plaintiff TERRY LEE SIEGFRIED developed  
21 malignant mesothelioma as a result of Defendants, 3M COMPANY (f/k/a MINNESOTA  
22 MINING & MANUFACTURING COMPANY); BACOU-DALLOZ USA, INC., (sued as  
23 successor-in-interest and/or f/k/a W.G.M. SAFETY PRODUCTS d/b/a WILLSON SAFETY  
24 PRODUCTS); and DOES 351-450's ("RESPIRATOR DEFENDANTS") negligence,  
25 defectively designed and manufactured safety masks, intentional misrepresentation,  
26 concealment, and negligent misrepresentations to Plaintiff TERRY LEE SIEGFRIED and his  
27 employers regarding their safety masks.

28 ///

1 **FIRST CAUSE OF ACTION**

2 (Negligence)

3 PLAINTIFFS COMPLAIN OF PRODUCT DEFENDANTS AND DOES 1-450, THEIR  
4 "ALTERNATE ENTITIES," AND EACH OF THEM, AND FOR A CAUSE OF ACTION  
FOR NEGLIGENCE ALLEGE AS FOLLOWS:

5 6. Plaintiffs incorporate herein by reference, as though fully set forth therein, the  
6 general allegations set forth above.

7 7. At all times herein mentioned, each of the named Product Defendants and DOES  
8 1-450 was the successor, successor-in-business, successor-in-product line or a portion thereof,  
9 parent, subsidiary, wholly or partially owned by, or the whole or partial owner of or member in  
10 an entity researching, studying, manufacturing, fabricating, designing, modifying, labeling,  
11 assembling, distributing, leasing, buying, offering for sale, supplying, selling, inspecting,  
12 servicing, installing, contracting for installation, repairing, marketing, warranting, re-branding,  
13 manufacturing for others, packaging and advertising asbestos, and/or products designed to cut,  
14 saw or otherwise manipulate and products containing asbestos, including but not limited to,  
15 those products identified in paragraph 3 above. Said entities shall hereinafter collectively be  
16 called "alternate entities." Each of the herein named Product Defendants is liable for the tortious  
17 conduct of each successor, successor-in-business, successor-in-product line or a portion thereof,  
18 assign, predecessor in product line or a portion thereof, parent, subsidiary, whole or partial  
19 owner, or wholly or partially owned entity, or entity that it was a member of, or funded, that  
20 researched, repaired, marketing, warranted, re-branded, manufactured for others and advertised  
21 asbestos, and asbestos products and/or products designed to cut, saw or otherwise manipulate,  
22 products containing asbestos. The following Product Defendants, and each of them, are liable  
23 for the acts of each and every "alternate entity," and each of them, in that there has been a  
24 virtual destruction of Plaintiffs' remedy against each such "alternate entity"; Defendants, and  
25 each of them, have acquired the assets, product line, or a portion thereof, of each such "alternate  
26 entity," Defendants, and each of them, have caused the destruction of Plaintiffs' remedy against  
27 each such "alternate entity"; each such Product Defendant has the ability to assume the risk-  
28 spreading role of each such "alternate entity"; and that each such Product Defendant enjoys the

1 goodwill originally attached to each such "alternate entity."

2 **DEFENDANT**

**ALTERNATE ENTITY**

3  
4 ~~AIR AND LIQUID SYSTEMS CORPORATION~~

~~BUFFALO PUMPS, INC.~~

5 ALFA LAVAL, INC.

SHARPLES, INC.  
ALFA-LAVAL SEPARATION, INC.  
DE LAVAL SEPARATOR COMPANY

6  
7 CARRIER CORPORATION

UNITED TECHNOLOGIES CORPORATION  
BRYANT HEATING AND AIR CONDITIONING, INC.

8  
9 CBS CORPORATION

VIACOM INC.  
WESTINGHOUSE ELECTRIC CORPORATION  
BF STURTEVANT  
VIACOM INTERNATIONAL, INC.  
VIACOM PLUS

10  
11  
12  
13 CLEAVER-BROOKS, INC.

AQUA-CHEM, INC.  
CLEAVER-BROOKS COMPANY, INC.  
DAVIS ENGINEERING

14  
15 CRANE CO.

CRANE ENVIRONMENTAL  
CRANE PUMPS AND SYSTEMS  
VALVE SERVICES  
CRANE VALVE GROUP  
CRANE SUPPLY  
CHAPMAN VALVE CO.  
DEMING PUMPS  
JENKINS VALVES  
COCHRANE FEED TANKS  
COCHRANE DIVISION  
CHEMPUMP

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21 CRANE ENVIRONMENTAL, INC.

COCHRANE CORPORATION

22 ELLIOTT TURBOMACHINERY COMPANY

ELLIOTT COMPANY

23  
24 FMC CORPORATION

PEERLESS PUMP COMPANY  
McNALLY INDUSTRIES-NORTHERN PUMP  
FMC AGRICULTURAL PRODUCTS  
FMC BIOPOLYMER  
FMC LITHIUM  
FMC ALKALI CHEMICALS  
FMC FORET  
NORTHERN PUMP COMPANY

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1 FOSTER WHEELER ENERGY  
CORPORATION

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GARDNER DENVER, INC.

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GENERAL ELECTRIC COMPANY

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THE GORMAN-RUPP COMPANY

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FOSTER WHEELER BOILER  
CORPORATION  
FOSTER WHEELER CONTRACTORS,  
INC.  
FOSTER WHEELER CORPORATION  
FOSTER WHEELER DEVELOPMENT  
CORP.  
FOSTER WHEELER ENERGY  
RESOURCES INC.  
FOSTER WHEELER ENERGY SERVICES,  
INC.  
FOSTER WHEELER ENVIRESPONSE,  
INC.  
FOSTER WHEELER ENVIRONMENTAL  
CORPORATION  
FOSTER WHEELER POWER GROUP, INC.  
FOSTER WHEELER POWER SYSTEMS,  
INC.  
FOSTER WHEELER PYROPOWER, INC.  
FOSTER WHEELER REALTY SERVICES,  
INC.  
FOSTER WHEELER USA CORPORATION

GARDNER GOVERNOR CORPORATION  
GARDNER COMPANY  
GARDNER DENVER INDUSTRIAL  
MACHINERY  
COOPER INDUSTRIES, INC.  
SYLTONE PLC  
TAMROTOR  
GEOQUIP  
CHAMPION PNEUMATIC MACHINERY  
WITTIG  
ALLEN-STUART EQUIPMENT  
COMPANY  
AIR RELIEF  
BUTTERWORTH JETTING SYSTEMS  
INVINCIBLE AIRFLOW SYSTEMS  
HAMWORTHY BELISS & MORCOM  
HOFFMAN AIR AND FILTRATION  
SYSTEMS  
JOY MANUFACTURING COMPANY

GENERAL ELECTRIC BROADCASTING  
COMPANY, INC.  
GENERAL ELECTRIC CAPITAL  
ASSURANCE COMPANY  
GENERAL ELECTRIC PROFESSIONAL  
SERVICES COMPANY  
GENERAL ELECTRIC TRADING  
COMPANY

C.H. WHEELER  
GRISCOM-RUSSELL

1	GOULDS PUMPS (NY), INC	GOULDS PUMPS (TX), LP
2	HARDIE-TYNES, LLC	HARDIE-TYNES MANUFACTURING CO.
3	HOWDEN NORTH AMERICA, INC.	HOWDEN BUFFALO, INC. HOWDEN FAN
4		HOWDEN FAN COMPANY
5		THE HOWDEN FAN COMPANY
6		NOVENCO FANS, INC.
7		AMERICAN DAVIDSON INC.
8		HOWDEN SIROCCO INC.
9	IMO INDUSTRIES, INC.	HOWDEN BUBBALO FANS
10		HOWDEN BUFFALO FORGE CO.
11		HOWDEN
12		DE LAVAL TURBINE INC.
13		WARREN PUMPS, INC.
14		COLFAX CORPORATION
15		IMO PUMP
16		IMO AB
17		COLFAX PUMP GROUP
18		ALLWEILER
19		HOUTTUIN
20		C.H. WHEELER
21	INGERSOLL-RAND COMPANY	INGERSOLL-RAND ABG
22		DRESSER-RAND
23		POWERWORKS
24		THERMOKING
25		TERRY STEAM TURBINE COMPANY
26		WHITON MACHINE CO.
27	ITT INDUSTRIES, INC.	ITT SERVICE INDUSTRIES
28		CORPORATION
		RULE INDUSTRIES, INC.
		GOULDS PUMPS, INCORPORATED
		GOULDS PUMPS (IPG), INC.
		A-C PUMP
		AQUIOUS ADVANCED LIQUID
		SEPARATIONS
		BELL & GOSSETT
		DOMESTIC PUMP
		ENGINEERED PROCESS SOLUTIONS
		GROUP
		FLOWTRONEX PSI INC.
		ITT FLYGT
		HOFFMAN SPECIALTY
		LOWARA
		MARLOW PUMPS
		McDONNELL & MILLER
		ITT RICHTER CHEMIE-TECHNIK GmbH
		SANITAIRE
		ITT STANDARD
		VOGEL PUMPS
		WEDECO INDUSTRIES, INC.

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OWENS-ILLINOIS, INC.

BARTON INSTRUMENTS DIVISION a/k/a  
PRIME MEASUREMENT PRODUCTS,  
LLC  
NU-FLO MEASUREMENT SYSTEMS  
BRANOM INSTRUMENT COMPANY  
BARTON INSTRUMENTS DIVISION a/k/a  
PRIME MEASUREMENT PRODUCTS,  
LLC  
NU-FLO MEASUREMENT SYSTEMS  
BRANOM INSTRUMENT COMPANY

OWENS-CORNING FIBERGLAS  
CORPORATION  
FENCO  
MARINE ENGINEERING  
FESCO  
FIBERGLAS ENGINEERING AND  
SUPPLY  
COMPANY  
WILLIAM LANE COMPANY  
SILICARE INSULATION  
ASBESTOS ENGINEERING & SUPPLY  
CO.  
OWENS-BROCKWAY GLASS  
CONTAINERS  
BROCKWAY GLASS CO., INC.  
OWENS-ILLINOIS GLASS COMPANY

SPX CORPORATION

THE VULCAN SOOT BLOWER  
COMPANY COPES-VULCAN  
WEIL-MCLAIN COMPANY  
THE MARLEY WYLAIN COMPANY

STERLING FLUID SYSTEMS (USA) LLC

STERLING FLUID SYSTEMS  
(AMERICAS) INC.  
STERLING FLUID SYSTEMS (CANADA)  
LTD.  
STERLING FLUID SYSTEMS  
(COLOMBIA) LTD.  
PEERLESS PUMP COMPANY  
LaBOUR PUMP COMPANY  
STERLING PEERLESS PUMPS

VIAD CORPORATION

THE DIAL CORPORATION  
GRISCOM-RUSSELL COMPANY

VIKING PUMP, INC.

IDEX CORPORATION  
ROTO KING PUMP, INC.  
HOUDAILLE VIKING PUMP, INC.

WARREN PUMPS, LLC

WARREN PUMPS INC.  
WARREN PUMPS-HOUDAILLE, INC.  
COLFAX PUMP GROUP  
ALWEILER AG  
HOUTTUIN BV

1		IMO PUMP
2		ZENITH PUMPS
3	WEIR VALVE & CONTROLS USA INC.	QUIMBY PUMP CO.
4		ATWOOD & MORRILL CO.,INC.
5		THE WEIR GROUP PLC
6		WEIR MINERALS
7		WEIR CLEAR LIQUID
8		WEIR VALVES & CONTROLS
9		WEIR SERVICES
10		WEIR TECHNA
11		A & M VALVE
12		HOPHOLD A & M, INC.
13	THE WILLIAM POWELL COMPANY	POWELL VALVES

8. At all times herein mentioned, Product Defendants, their "alternate entities," and each of them, were and are engaged in the business of researching, manufacturing, fabricating, designing, modifying, labeling, assembling, distributing, leasing, buying, offering for sale, supplying, selling, inspecting, servicing, installing, contracting for installation, repairing, renting, marketing, warranting, re-branding, manufacturing for others, packaging, and advertising asbestos and asbestos products and/or products designed to cut, saw or otherwise manipulate products containing asbestos (hereinafter Defendants' Products).

9. At all times herein mentioned, Product Defendants, their "alternate entities," and each of them, singularly and jointly, negligently and carelessly researched, manufactured, fabricated, specified, designed, modified, tested or failed to test, abated or failed to abate, warned or failed to warn of the health hazards, labeled, assembled, distributed, leased, bought, rented offered for sale, supplied, sold, inspected, serviced, installed, contracted for installation, repaired, marketed, warranted, re-branded, manufactured for others, packaged, and advertised Defendants' Products, including but not limited to those products identified in paragraph three 3 above, in that the Defendants' Products were unreasonably dangerous because they released respirable asbestos fibers which resulted in personal injuries to users, consumers, workers, bystanders, and others, including Plaintiff TERRY LEE SIEGFRIED herein (hereinafter collectively called "exposed person"). Said products were used at all times in a manner that was reasonably foreseeable to Product Defendants, their "alternate entities," and each of them,

1 thereby rendering said products unsafe and dangerous for use by "exposed person." Plaintiffs  
2 herein allege that TERRY LEE SIEGFRIED was exposed to asbestos that was caused to be  
3 released as a result of exposure to Defendants' Products, including but not limited to those  
4 products identified in paragraph 3 above (hereinafter referred to as "Defendants' products" or  
5 "Defendants' asbestos and asbestos-containing products"), were a substantial contributing factor  
6 in the development of his malignant mesothelioma, and therefore proximately caused Plaintiff  
7 TERRY LEE SIEGFRIED's injuries.

8 10. Product Defendants, their "alternate entities," and each of them, had a duty to  
9 exercise reasonable care while engaging in the activities mentioned above, and each Product  
10 Defendants breached said duty of reasonable care in that Product Defendants, and each of them,  
11 failed to safely and adequately design, manufacture and/or sell Defendants' products; failed to  
12 test said products; failed to investigate the hazards of said products; failed to warn "exposed  
13 person," including Plaintiff TERRY LEE SIEGFRIED of the health hazards of using  
14 Defendants' products; failed to warn of the harmful exposures caused by use of said products to  
15 cut, saw or otherwise manipulate asbestos containing products; failed to disclose the known or  
16 knowable dangers of using Defendants' products; failed to obtain suitable alternative materials  
17 to asbestos when such alternatives were available; and as otherwise stated herein.

18 11. The Defendants' products were and are hazardous to the health and safety of  
19 Plaintiff, and others in Plaintiff's position working with and in close proximity to such products,  
20 and since on or before 1930, the hazards and dangerous propensities of the Defendants' products  
21 were both known and knowable to the Product Defendants, their "alternate entities," and each of  
22 them, through the use of medical and/or scientific data and other knowledge available to  
23 Defendants, their "alternate entities," and each of them at the time of Product Defendants'  
24 manufacture, distribution, sale, research, study, fabrication, design, modification, labeling,  
25 assembly, leasing, buying, offering for sale, supply, inspection, service, installation, contracting  
26 for installation, repair, marketing, warranting, re-branding, re-manufacturing for others,  
27 packaging and advertising, of those products, which clearly indicated the hazards and dangerous  
28 propensities of asbestos presented a substantial danger to users, including Plaintiff, TERRY

1 LEE SIEGFRIED of Defendants' Products through the intended and reasonably foreseeable use  
2 of those products.

3 12. Product Defendants, their "alternate entities," and each of them, knew, or  
4 reasonably should have known, that Defendants' Products were dangerous and were likely to be  
5 dangerous when used in their intended and reasonably foreseeable manner.

6 13. Product Defendants, their "alternate entities," and each of them, knew, or  
7 reasonably should have known, that Defendants' Products would be installed, repaired,  
8 maintained, overhauled, removed, sawed, chipped, hammered, mixed, scraped, sanded, swept,  
9 broken, "ripped out," and/or used to cut, saw or otherwise manipulate products containing  
10 asbestos, or otherwise disturbed in their ordinary, intended and foreseeable use, resulting in the  
11 release of airborne hazardous and dangerous asbestos fibers, and that through such activity,  
12 "exposed person," including Plaintiff TERRY LEE SIEGFRIED herein, would be exposed to  
13 said hazardous and dangerous asbestos fibers. Product Defendants, their "alternate entities," and  
14 each of them, knew or reasonably should have known that users, such as Plaintiff TERRY LEE  
15 SIEGFRIED and others in his position, working with and in close proximity to Defendants'  
16 Products would not realize or know the danger. Product Defendants, their "alternate entities,"  
17 and each of them negligently failed to adequately warn or instruct of the dangers of the products.  
18 A reasonable designer, manufacturer, distributor, seller, installer, buyer or supplier, under the  
19 same or similar circumstances, would have warned of the dangers to avoid exposing others to a  
20 foreseeable risk of harm. The negligent failure of Defendants, their "alternate entities," and each  
21 of them to warn was a substantial factor in causing harm to Plaintiff TERRY LEE SIEGFRIED.

22 14. Plaintiff TERRY LEE SIEGFRIED used, handled, or was otherwise exposed to  
23 asbestos from Defendants' Products referred to herein in a manner that was reasonably  
24 foreseeable to Product Defendants and each of them. Plaintiff's exposure to Defendants'  
25 Products occurred at various locations set forth in **Exhibit "A"** which is attached hereto and  
26 incorporated by reference herein.

27 15. As a direct and proximate result of the conduct of the Product Defendants, their  
28 "alternate entities," and each of them, as aforesaid, Plaintiff TERRY LEE SIEGFRIED's

1 exposure to asbestos from use of Defendants' Products caused severe and permanent injury to  
2 the Plaintiff. Plaintiffs are informed and believe, and thereon allege, that progressive lung  
3 disease, cancer and other serious diseases are caused by inhalation of asbestos fibers without  
4 perceptible trauma and that said disease results from exposure to Defendants' Products over a  
5 period of time.

6 16. Plaintiff TERRY LEE SIEGFRIED was informed of his malignant mesothelioma  
7 diagnoses on or about October 2017. His malignant mesothelioma was caused by exposure to  
8 asbestos from Defendants' Products and/or from the use of Defendants' Products while serving  
9 as an electrician at Long Beach Naval Shipyard; both from his on "hands-on" work as an  
10 electrician and from working in close proximity to other workers who cut, sawed or otherwise  
11 manipulated products containing asbestos. Plaintiff TERRY LEE SIEGFRIED was not aware at  
12 the time of exposure that Defendants' Products presented any risk of injury and/or disease.

13 17. As a direct and proximate result of the aforesaid conduct of Product Defendants,  
14 their "alternate entities," and each of them, Plaintiff TERRY LEE SIEGFRIED has suffered and  
15 will continue to suffer permanent injuries and future injuries to his person, body and health,  
16 including, but not limited to, pain, discomfort, loss of weight, loss of appetite, fatigue,  
17 somnolence, lethargy, dyspnea, dysphagia, and other physical symptoms, and the mental and  
18 emotional distress attendant thereto, as Plaintiff's malignant mesothelioma progresses, all to his  
19 general damage in a sum in excess of the jurisdictional limit of a limited civil case.

20 18. As a direct and proximate result of the aforesaid conduct of the Product  
21 Defendants, their "alternate entities," and each of them, Plaintiff TERRY LEE SIEGFRIED has  
22 incurred, is presently incurring, and will incur in the future, liability for physicians, surgeons,  
23 nurses, hospital care, medicine, hospices, X-rays and other medical treatment, the true and exact  
24 amount thereof being presently unknown to Plaintiffs, subject to proof at trial.

25 19. As a further direct and proximate result of the said conduct of the Product  
26 Defendants, their "alternate entities," and each of them, Plaintiff has incurred, and will incur,  
27 loss of income, wages, profits and commissions, a diminishment of earning potential, and other  
28 pecuniary losses, the true and exact amount thereof being presently unknown to Plaintiff, subject

1 to proof at trial.

2 20. Plaintiffs further allege that Product Defendants, their "alternate entities," and  
3 each of them, also engaged in the following wrongful acts:

4 (a) Product Defendants, their "alternate entities," and each of them, suppressed  
5 from all consumers, including Plaintiff TERRY LEE SIEGFRIED medical and scientific  
6 information concerning the health hazards associated with inhalation of asbestos,  
7 including the substantial risk of injury or death therefrom. Although Defendants, and  
8 each of them, knew of the substantial risks associated with exposure to asbestos, they  
9 willfully and knowingly concealed such information from the users of their asbestos  
10 and/or asbestos-containing products in conscious disregard of the rights, safety and  
11 welfare of "exposed person," including Plaintiff TERRY LEE SIEGFRIED;

12 (b) Product Defendants, their "alternate entities," and each of them, belonged  
13 to, participated in, and financially supported industry organizations which, for and on  
14 behalf of Defendants, their "alternate entities," and each of them, actively promoted the  
15 suppression of information about the dangers of asbestos to users of the aforementioned  
16 products and materials, thereby misleading Plaintiff TERRY LEE SIEGFRIED as to the  
17 safety of their products. Through their participation and association with such industry  
18 organizations, Product Defendants and each of them knowingly and deliberately  
19 concealed and suppressed the true information regarding asbestos and its dangers, and  
20 propagated misinformation intended to instill in users of Defendants' Products a false  
21 security about the safety of their products;

22 (c) Commencing in 1930 with the study of mine and mill workers at Asbestos  
23 and Thetford Mines in Quebec, Canada, and the study of the workers at Raybestos-  
24 Manhattan plants in Manheim and Charleston, South Carolina, Defendants, their  
25 "alternate entities," and each of them, knew and possessed medical and scientific  
26 information of the connection between the inhalation of asbestos fibers and asbestosis,  
27 which information was disseminated through the Asbestos Textile Institute and other  
28 industry organizations to all other Product Defendants, their "alternate entities," and each

1 of them, herein;

2 (d) Product Defendants, their "alternate entities," and each of them, failed to  
3 warn Plaintiff TERRY LEE SIEGFRIED and others of the nature of said materials which  
4 were dangerous when breathed and which could cause pathological effects without  
5 noticeable trauma, despite the fact that Defendants, their "alternate entities," and each of  
6 them, possessed knowledge and were under a duty to disclose that said materials were  
7 dangerous and a threat to the health of persons coming into contact therewith;

8 (e) Product Defendants, their "alternate entities," and each of them, failed to  
9 provide Plaintiff TERRY LEE SIEGFRIED with information concerning adequate  
10 protective masks and other equipment devised to be used when applying, mixing, sawing,  
11 cutting, installing and sanding the products of the Defendants, their "alternate entities,"  
12 and each of them, despite knowing that such protective measures were necessary, and  
13 that they were under a duty to disclose that such materials were dangerous and would  
14 result in injury to Plaintiff TERRY LEE SIEGFRIED and others applying and installing  
15 such material;

16 (f) Product Defendants, their "alternate entities," and each of them, knew and  
17 failed to disclose that Plaintiff TERRY LEE SIEGFRIED and anyone similarly situated,  
18 upon inhalation of asbestos would, in time, have a substantial risk of developing  
19 irreversible conditions of pneumoconiosis, asbestosis, mesothelioma and/or cancer;

20 (g) Product Defendants, their "alternate entities," and each of them, failed to  
21 provide information of the true nature of the hazards of asbestos materials and that  
22 exposure to these material would cause pathological effects without noticeable trauma to  
23 the public, including buyers, users, and physicians employed by Plaintiff TERRY LEE  
24 SIEGFRIED so that said physicians could not examine, diagnose, and treat Plaintiff and  
25 others who were exposed to asbestos, despite the fact that Product Defendants, their  
26 "alternate entities," and each of them, were under a duty to so inform and said failure was  
27 misleading;

28 (h) Product Defendants, their "alternate entities," and each of them, and their

1 officers, directors, and managing agents participated in, authorized, expressly and  
2 impliedly ratified, and had full knowledge of, or should have known of, each of the acts  
3 set forth herein. Product Defendants, their "alternate entities," and each of them, are  
4 liable for the oppressive and malicious acts of their "alternate entities," and each of them,  
5 and each Product Defendant's officers, directors, and managing agents participated in,  
6 authorized, expressly and impliedly ratified, and had full knowledge of, or should have  
7 known of, the acts of each of their "alternate entities" as set forth herein.

8 21. The herein-described conduct of said Product Defendants, their "alternate  
9 entities," and each of them, was and is willful, malicious, oppressive, outrageous, and in  
10 conscious disregard and indifference to the safety and health of "exposed person," including  
11 Plaintiff TERRY LEE SIEGFRIED, in that Defendants, and each of them, continued to  
12 manufacture, market and/or sell dangerous products known to cause asbestos to be released, and  
13 to cause severe, permanent injuries and death, despite possessing knowledge of the substantial  
14 hazards posed by use of their products, in order to continue to profit financially therefrom.  
15 Product Defendants, their "alternate entities," and each of them, engaged in such conduct so  
16 despicable, contemptible, base, vile, miserable, wretched and loathsome as to be looked down  
17 upon and despised by ordinary people and justifies an award of punitive and exemplary damages  
18 pursuant to Civil Code section 3294. Plaintiff, for the sake of example and by way of punishing  
19 said Defendants, seek punitive damages according to proof.

20 22. Product Defendants and each of them engaged in conduct which was intended by  
21 Defendants and each of them to cause injury to the Plaintiff, and despicable conduct which was  
22 carried on by the Defendant with a willful and conscious disregard of the rights or safety of  
23 others, including Plaintiff TERRY LEE SIEGFRIED.

24 23. Product Defendants, and each of them, engaged in the despicable conduct  
25 described herein that subjected persons, including Plaintiff TERRY LEE SIEGFRIED, to cruel  
26 and unjust hardship in the form of severe, debilitating and fatal diseases like asbestosis, lung  
27 cancer and mesothelioma, in conscious disregard of those persons' rights.

28 24. As a direct and proximate result of such intentional conduct by Product

1 Defendants, their "alternate entities" and each of them, Plaintiff TERRY LEE SIEGFRIED  
2 sustained the injuries and damages alleged herein.

3 WHEREFORE, Plaintiffs pray for judgment against Product Defendants, their "alternate  
4 entities," and each of them, as hereinafter set forth.

5 **SECOND CAUSE OF ACTION**

6 (Strict Liability)

7 AS AND FOR A SECOND, SEPARATE, FURTHER AND DISTINCT CAUSE OF  
8 ACTION FOR STRICT LIABILITY, PLAINTIFFS COMPLAIN OF PRODUCT  
9 DEFENDANTS, DOES 1-450, THEIR "ALTERNATE ENTITIES," AND EACH OF THEM,  
10 AND ALLEGE AS FOLLOWS:

11 25. Plaintiffs incorporate herein by reference, as though fully set forth therein, each  
12 and every one of the general allegations and the allegations contained in the First Cause of  
13 Action herein.

14 26. Product Defendants, their "alternate entities," and each of them, sold the  
15 aforementioned Defendants' Products and failed to adequately warn or instruct of the known  
16 and knowable dangers and risks of the ordinary, intended, and foreseeable use of their products,  
17 which dangers and risks would not have been, and were not, recognized by ordinary consumers  
18 of the products, including Plaintiff, TERRY LEE SIEGFRIED, and the lack of sufficient  
19 instructions and/or warnings was a substantial factor in causing harm to Plaintiff TERRY LEE  
20 SIEGFRIED and others in Plaintiff's position working with and in close proximity to such  
21 products.

22 27. Defendants' Products were defective and unsafe for their intended purpose and  
23 foreseeable use in that, when used, handled, installed, repaired, maintained, overhauled,  
24 removed, sawed, chipped, hammered, mixed, scraped, sanded, swept, broken, "ripped out," cut,  
25 sawed, installed, and/or used as intended, or used to cut, saw or manipulate products containing  
26 asbestos or otherwise disturbed, said products would result in the release, and therefore  
27 inhalation of, hazardous and dangerous asbestos fibers by exposed person, including Plaintiff  
28 TERRY LEE SIEGFRIED. The defect existed in all of said products when they left the  
possession of the Product Defendants, their "alternate entities," and each of them. At the time

1 Defendants' Products were used by Plaintiff, and others in Plaintiff's position working with and  
2 in close proximity to such products, the products were substantially the same as when they left  
3 the possession of the Product Defendants, their "alternate entities," and each of them and/or any  
4 changes made to the products after they left the possession of Defendants, their "alternate  
5 entities," and each of them were reasonably foreseeable to Defendants, their "alternate entities,"  
6 and each of them. Product Defendants' asbestos and asbestos products were used by Plaintiff  
7 TERRY LEE SIEGFRIED, and others in Plaintiff's position working with and in close  
8 proximity to such products, in a way that was reasonably foreseeable to Defendants, and each of  
9 them. The defect in said products was a substantial factor in causing harm and personal injuries  
10 to Plaintiff TERRY LEE SIEGFRIED, including malignant mesothelioma, while being used in a  
11 reasonably foreseeable manner, thereby rendering said products defective, unsafe, and  
12 unreasonably dangerous for their ordinary and intended use.

13 28. As a direct and proximate result of the actions and conduct outlined herein,  
14 Defendants' Products failed to perform as safely as an ordinary consumer would have expected  
15 in that Defendants' Products, and each of them, caused respirable asbestos fibers to be released  
16 from asbestos products during their ordinary and intended use, and such hazardous exposures  
17 lacked any perceptible qualities to the human body, yet they cause severe and fatal diseases,  
18 including asbestosis, lung cancer, mesothelioma and other cancers in humans. Plaintiffs further  
19 allege that "exposed person," including Plaintiff TERRY LEE SIEGFRIED, were unaware of  
20 the harmful effects of asbestos and further unaware of the harmful exposures to Defendants'  
21 Products when such exposures occurred, and thus the failure of Defendants' Products to perform  
22 as safely as Plaintiff TERRY LEE SIEGFRIED had reason to expect was a substantial factor in  
23 causing his injuries.

24 29. As a direct and proximate result of the actions and conduct outlined herein,  
25 Plaintiff TERRY LEE SIEGFRIED has suffered the injuries and damages alleged herein.

26 30. Plaintiffs further allege that Product Defendants, their "alternate entities," and  
27 each of them, also engaged in the following wrongful acts:

28 (a) Product Defendants, their "alternate entities," and each of them, suppressed

1 from all consumers, including Plaintiff TERRY LEE SIEGFRIED, medical and scientific  
2 information concerning the health hazards associated with inhalation of asbestos,  
3 including the substantial risk of injury or death therefrom. Although Defendants, and  
4 each of them, knew of the substantial risks associated with exposure to asbestos, they  
5 willfully and knowingly concealed such information from the users of their asbestos  
6 and/or asbestos-containing products in conscious disregard of the rights, safety and  
7 welfare of "exposed person," including Plaintiff TERRY LEE SIEGFRIED;

8 (b) Product Defendants, their "alternate entities," and each of them, belonged  
9 to, participated in, and financially supported industry organizations, including but not  
10 limited to the Gypsum Association, Asbestos Information Association, Industrial  
11 Hygiene Foundation and others, which, for and on behalf of Defendants, their "alternate  
12 entities," and each of them, actively promoted the suppression of information about the  
13 dangers of asbestos to users of the aforementioned products and materials, thereby  
14 misleading Plaintiff TERRY LEE SIEGFRIED and as to the safety of their products.  
15 Through their participation and association with such industry organizations, Defendants  
16 and each of them knowingly and deliberately concealed and suppressed the true  
17 information regarding asbestos and its dangers, and propagated misinformation intended  
18 to instill in users of Defendants' Products a false security about the safety of their  
19 products. The Dust Control Committee, which changed its name to the Air Hygiene  
20 Committee, of the Asbestos Textile Institute, was specifically enlisted to study the subject  
21 of dust control. Discussions in this committee were held many times regarding the  
22 dangers inherent in asbestos and the dangers, which arise from the lack of control of dust,  
23 and such information was suppressed from public dissemination from 1946 to a date  
24 unknown to Plaintiff TERRY LEE SIEGFRIED at this time;

25 (c) Commencing in 1930 with the study of mine and mill workers at Asbestos  
26 and Thetford Mines in Quebec, Canada, and the study of the workers at Raybestos-  
27 Manhattan plants in Manheim and Charleston, South Carolina, Defendants, their  
28 "alternate entities," and each of them, knew and possessed medical and scientific

1 information of the connection between the inhalation of asbestos fibers and asbestosis,  
2 which information was disseminated through the Asbestos Textile Institute and other  
3 industry organizations to all other Defendants, their "alternate entities," and each of them,  
4 herein;

5 (d) Product Defendants, their "alternate entities," and each of them, failed to  
6 warn Plaintiff TERRY LEE SIEGFRIED and others of the nature of said materials which  
7 were dangerous when breathed and which could cause pathological effects without  
8 noticeable trauma, despite the fact that Defendants, their "alternate entities," and each of  
9 them, possessed knowledge and were under a duty to disclose that said materials were  
10 dangerous and a threat to the health of persons coming into contact therewith;

11 (e) Product Defendants, their "alternate entities," and each of them, failed to  
12 provide Plaintiff TERRY LEE SIEGFRIED with information concerning adequate  
13 protective masks and other equipment devised to be used when applying, mixing, sawing,  
14 cutting, installing and sanding the products of the Defendants, their "alternate entities,"  
15 and each of them, despite knowing that such protective measures were necessary, and  
16 that they were under a duty to disclose that such materials were dangerous and would  
17 result in injury to Plaintiff TERRY LEE SIEGFRIED and others applying and installing  
18 such material;

19 (f) Product Defendants, their "alternate entities," and each of them, knew and  
20 failed to disclose that Plaintiff TERRY LEE SIEGFRIED and anyone similarly situated,  
21 upon inhalation of asbestos would, in time, have a substantial risk of developing  
22 irreversible conditions of pneumoconiosis, asbestosis, mesothelioma and/or cancer;

23 (g) Product Defendants, their "alternate entities," and each of them, failed to  
24 provide information of the true nature of the hazards of asbestos materials and that  
25 exposure to these material would cause pathological effects without noticeable trauma to  
26 the public, including buyers, users, and physicians employed by Plaintiff TERRY LEE  
27 SIEGFRIED so that said physicians could not examine, diagnose, and treat Plaintiff and  
28 others who were exposed to asbestos, despite the fact that Product Defendants, their

1 "alternate entities," and each of them, were under a duty to so inform and said failure was  
2 misleading; and

3 (h) Product Defendants, their "alternate entities," and each of them, and their  
4 officers, directors, and managing agents participated in, authorized, expressly and  
5 impliedly ratified, and had full knowledge of, or should have known of, each of the acts  
6 set forth herein. Product Defendants, their "alternate entities," and each of them, are  
7 liable for the oppressive and malicious acts of their "alternate entities," and each of them,  
8 and each Defendant's officers, directors, and managing agents participated in, authorized,  
9 expressly and impliedly ratified, and had full knowledge of, or should have known of, the  
10 acts of each of their "alternate entities" as set forth herein.

11 31. The herein-described conduct of said Product Defendants, their "alternate  
12 entities," and each of them, was and is willful, malicious, oppressive, outrageous, and in  
13 conscious disregard and indifference to the safety and health of "exposed person," including  
14 Plaintiff TERRY LEE SIEGFRIED, in that Product Defendants, and each of them, continued to  
15 manufacture, market and/or sell dangerous products known to cause severe, permanent injuries  
16 and death, despite possessing knowledge of the substantial hazards posed by use of their  
17 products, in order to continue to profit financially therefrom. Product Defendants, their  
18 "alternate entities," and each of them, engaged in such conduct so despicable, contemptible,  
19 base, vile, miserable, wretched and loathsome as to be looked down upon and despised by  
20 ordinary people and justifies an award of punitive and exemplary damages pursuant to Civil  
21 Code section 3294. Plaintiff, for the sake of example and by way of punishing said Product  
22 Defendants, seeks punitive damages according to proof.

23 32. Product Defendants and each of them engaged in conduct which was intended by  
24 Defendants and each of them to cause injury to the Plaintiff, and despicable conduct which was  
25 carried on by the Defendant with a willful and conscious disregard of the rights or safety of  
26 others, including Plaintiff TERRY LEE SIEGFRIED.

27 33. Product Defendants, and each of them, engaged in the despicable conduct  
28 described herein that subjected persons, including Plaintiff TERRY LEE SIEGFRIED, to cruel

1 and unjust hardship in the form of sever, debilitating and fatal diseases like asbestosis, lung  
2 cancer and mesothelioma, in conscious disregard of those persons' rights.

3 34. As a direct and proximate result of such intentional conduct by Product  
4 Defendants, their "alternate entities" and each of them, Plaintiff TERRY LEE SIEGFRIED  
5 sustained the injuries and damages alleged herein.

6 WHEREFORE, Plaintiffs pray for judgment against Product Defendants, their "alternate  
7 entities," and each of them, as hereinafter set forth.

8 **THIRD CAUSE OF ACTION**

9 (False Representation Under Restatement of Torts Section 402-B)

10 AS AND FOR A FURTHER, THIRD SEPARATE, AND DISTINCT CAUSE OF  
11 ACTION FOR FALSE REPRESENTATION UNDER RESTATEMENT OF TORTS  
12 SECTION 402-B, PLAINTIFFS COMPLAIN OF DEFENDANTS, DOES 1-450, THEIR  
13 "ALTERNATE ENTITIES," AND EACH OF THEM, AND ALLEGES AS FOLLOWS:

14 35. Plaintiffs hereby incorporate by reference, as though fully set forth herein, each  
15 and every paragraph of the general allegations and the allegations contained in the First and  
16 Second Causes of Action herein.

17 36. At the aforementioned time when Defendants, their "alternate entities," and each  
18 of them, researched, manufactured, fabricated, designed, modified, tested or failed to test,  
19 inadequately warned or failed to warn, labeled, assembled, distributed, leased, bought, offered  
20 for sale, supplied, sold, inspected, serviced, installed, contracted for installation, repaired,  
21 marketed, warranted, re-branded, manufactured for others, packaged and advertised the said  
22 asbestos and asbestos-containing products, as hereinabove set forth, the Defendants, their  
23 "alternate entities," and each of them, expressly and impliedly represented to members of the  
24 general public, including the purchasers and users of said product, and other "exposed persons,"  
25 including, without limitation, Plaintiff TERRY LEE SIEGFRIED and his employers, that  
26 asbestos and asbestos-containing products, were of merchantable quality, and safe for the use for  
27 which they were intended.

28 37. The purchasers and users of said asbestos and asbestos-containing products, and  
other "exposed persons," including, without limitation, Plaintiff TERRY LEE SIEGFRIED, and

1 his employers, relied upon said representations of Defendants, their "alternate entities," and each  
2 of them, in the selection, purchase, and use of asbestos and asbestos-containing products.

3 38. Said representation by Defendants, their "alternate entities," and each of them,  
4 were false and untrue, and Defendants knew at the time they were untrue, in that the asbestos  
5 and asbestos-containing products and equipment were not safe for their intended use, nor were  
6 they of merchantable quality as represented by Defendants, their "alternate entities," and each of  
7 them, in that asbestos and asbestos-containing products and equipment have very dangerous  
8 properties and defects whereby said products cause asbestosis, other lung damages, and cancer,  
9 and have other defects that cause injury and damage to the users of said products and other  
10 "exposed persons" thereby threatening the health and life of said persons, including Plaintiff  
11 TERRY LEE SIEGFRIED herein.

12 39. As a direct and proximate result of said false representations by Defendants, their  
13 "alternate entities," and each of them, Plaintiffs sustained the injuries and damages alleged  
14 herein.

15 WHEREFORE, Plaintiffs pray for judgment against Defendants, and their "alternate  
16 entities," and each of them, as hereinafter set forth.

17 **FOURTH CAUSE OF ACTION**

18 (Intentional Tort/Intentional Failure to Warn)

19 AS AND FOR A FURTHER, FOURTH SEPARATE, AND DISTINCT CAUSE OF  
20 ACTION FOR INTENTIONAL TORT/INTENTIONAL FAILURE TO WARN, PLAINTIFFS  
21 COMPLAIN OF DEFENDANTS, DOES 1-450, THEIR "ALTERNATE ENTITIES," AND  
22 EACH OF THEM, AND ALLEGES AS FOLLOWS:

23 40. Plaintiffs hereby incorporates by reference, as though fully set forth herein, each  
24 and every paragraph of the general allegations and the allegations contained in the First through  
25 Third Causes of Action herein, excepting therefrom allegations pertaining to negligence.

26 41. At all times pertinent hereto, the Defendants their "alternate entities," and each of  
27 them, owed Plaintiffs a duty, as provided for in Section 1708, 1709, and 1710 of the Civil Code  
28 of the State of California to abstain from injuring the person, property, or rights of the Plaintiffs.  
When a duty to act was imposed, as set forth herein, the Defendants, their "alternate entities,"

1 and each of them, did do the acts and omissions in violation of that duty, thereby causing injury  
2 to the Plaintiffs as is more fully set forth herein. Such acts and omissions consisted of acts  
3 falling within Section 1709 (Fraudulent Deceit) and Section 1710 (Deceit) of the Civil Code of  
4 the State of California and, more specifically, included suggestions of fact which were not true  
5 and which Defendants, their "alternate entities," and each of them, did not believe to be true;  
6 assertions of fact which were not true and which Defendants, their "alternate entities," and each  
7 of them, had no reasonable ground for believing to be true, and the suppression of fact when a  
8 duty existed to disclose it, all as more fully set forth herein; the violation of any one such duty  
9 gave rise to a cause of action for violation of rights of the Plaintiffs as provided for in the  
10 aforementioned Civil Code sections.

11 42. Since on or before 1930, the Defendants, their "alternate entities," and each of  
12 them, have known and have possessed the true facts of medical and scientific data and other  
13 knowledge which clearly indicated that the asbestos and asbestos-containing products and  
14 equipment referred to in Plaintiffs' First Cause of Action were and are hazardous to the health  
15 and safety of Plaintiffs, and others in Plaintiff TERRY LEE SIEGFRIED's position working in  
16 close proximity with such materials. The Defendants, their "alternate entities," and each of them,  
17 have known of the dangerous propensities of the aforementioned materials and products since  
18 before that time. With intent to deceive Plaintiff TERRY LEE SIEGFRIED, and others in  
19 Plaintiffs' position, and with intent that he and such others should be and remain ignorant of  
20 such facts with intent to induce Plaintiffs and such others to alter his and their positions to his  
21 and their injury and/or risk and in order to gain advantages, the following acts occurred:

22 (a) Defendants, their "alternate entities," and each of them, did not label any of  
23 the aforementioned asbestos-containing materials, products, and equipment regarding the  
24 hazards of such materials and products to the health and safety of Plaintiffs and others in  
25 Plaintiffs' position working in close proximity with such materials until 1964, when  
26 certain of such materials were labeled by some, but not all, of Defendants, their "alternate  
27 entities," and each of them, since on or before 1930. By not labeling such materials,  
28 products, and equipment as to their said hazards, Defendants, their "alternate entities,"

1 and each of them, caused to be suggested as a fact to Plaintiffs that it was safe for  
2 Plaintiff TERRY LEE SIEGFRIED to work in close proximity to such materials, when in  
3 fact it was not true; and Defendants, their "alternate entities," and each of them, did not  
4 believe it to be true;

5 (b) Defendants, their "alternate entities," and each of them, suppressed  
6 information relating to the danger of use of the aforementioned materials, products, and  
7 equipment by requesting the suppression of information to the Plaintiffs and the general  
8 public concerning the dangerous nature of the aforementioned materials to workers, by  
9 not allowing such information to be disseminated in a manner which would have given  
10 general notice to the public and knowledge of the hazardous nature thereof when  
11 Defendants, their "alternate entities," and each of them, were bound to disclose such  
12 information;

13 (c) Defendants, their "alternate entities," and each of them, sold the  
14 aforementioned products, materials, and equipment to Plaintiff TERRY LEE  
15 SIEGFRIED's employers and others without advising Plaintiff TERRY LEE  
16 SIEGFRIED, his employer, and others of the dangers of use of such materials to persons  
17 working in close proximity thereto when Defendants, their "alternate entities," and each  
18 of them, knew of such dangers, and had a duty to disclose such dangers all as set forth  
19 herein. By said conduct, Defendants, their "alternate entities," and each of them, caused  
20 to be positively asserted to Plaintiff TERRY LEE SIEGFRIED that which was not true  
21 and that which Defendants, their "alternate entities," and each of them had no reasonable  
22 ground for believing to be true, to wit: that it was safe for Plaintiff TERRY LEE  
23 SIEGFRIED to work in close proximity to such materials;

24 (d) Defendants, their "alternate entities," and each of them, suppressed from  
25 Plaintiffs medical and scientific data and knowledge of the results of studies including,  
26 but not limited to, the information and contents of the "Lanza Report." Although bound to  
27 disclose it, Defendants, their "alternate entities," and each of them, influenced A. J.  
28 Lanza, M.D. to change his report, the altered version of which was published in Public

1 Health Reports, Volume 50, at page 1, in 1935, thereby causing Plaintiffs and others to be  
2 and remain ignorant thereof. Defendants, their "alternate entities," and each of them,  
3 caused Asbestos Magazine, a widely disseminated trade journal, to omit mention of  
4 danger, thereby lessening the probability of notice of danger to the users thereof;

5 (e) Defendants, their "alternate entities," and each of them, belonged to,  
6 participated in, and financially supported industry organizations which, for and on behalf  
7 of Defendants, their "alternate entities," and each of them, actively promoted the  
8 suppression of information of danger to users of the aforementioned products and  
9 materials, thereby misleading Plaintiff TERRY LEE SIEGFRIED by the suggestions and  
10 deceptions set forth above in this cause of action;

11 (f) Commencing in 1930 with the study of mine and mill workers at Asbestos  
12 and Thetford Mines in Quebec, Canada, and the study of the workers at Raybestos-  
13 Manhattan plants in Manheim and Charleston, South Carolina, Defendants, their  
14 "alternate entities," and each of them, knew and possessed medical and scientific  
15 information of the connection between the inhalation of asbestos fibers and asbestosis,  
16 which information was disseminated through the industry organizations to all other  
17 Defendants, their "alternate entities," and each of them, herein. Defendants, their  
18 "alternate entities," and each of them, suggested to the public as a fact that which is not  
19 true and disseminated other facts likely to mislead Plaintiffs. Such facts did mislead  
20 Plaintiffs and others by withholding the afore-described medical and scientific data and  
21 other knowledge and by not giving Plaintiff TERRY LEE SIEGFRIED the true facts  
22 concerning such knowledge of danger, which Defendants, their "alternate entities," and  
23 each of them, were bound to disclose;

24 (g) Defendants, their "alternate entities," and each of them, failed to warn  
25 Plaintiff TERRY LEE SIEGFRIED and others of the nature of said materials which were  
26 dangerous when breathed and which could cause pathological effects without noticeable  
27 trauma, despite the fact that Defendants, their "alternate entities," and each of them,  
28 possessed knowledge and were under a duty to disclose that said materials were

1 dangerous and a threat to the health of persons coming into contact therewith;

2 (h) Defendants, their "alternate entities," and each of them, failed to provide  
3 Plaintiff TERRY LEE SIEGFRIED with information concerning adequate protective  
4 masks and other equipment to be used when applying and installing the products of the  
5 Defendants, their "alternate entities," and each of them, despite knowing that such  
6 protective measures were necessary, and that they were under a duty to disclose that such  
7 materials were dangerous and would result in injury to Plaintiff TERRY LEE  
8 SIEGFRIED and others applying and installing such material;

9 (i) Defendants, their "alternate entities," and each of them, when under a duty  
10 to so disclose, concealed from Plaintiff TERRY LEE SIEGFRIED the true nature of the  
11 industrial exposure of Plaintiff TERRY LEE SIEGFRIED and knew that Plaintiff and  
12 anyone similarly situated, upon inhalation of asbestos would, in time, develop irreversible  
13 conditions of pneumoconiosis, asbestosis, and/or cancer. Defendants, their "alternate  
14 entities," and each of them, also concealed from Plaintiff TERRY LEE SIEGFRIED and  
15 others that harmful materials to which they were exposed would cause pathological  
16 effects without noticeable trauma;

17 (j) Defendants, their "alternate entities," and each of them, failed to provide  
18 information of the true nature of the hazards of asbestos materials and that exposure to  
19 these material would cause pathological effects without noticeable trauma to the public,  
20 including buyers, users, and physicians employed by Plaintiff TERRY LEE SIEGFRIED  
21 so that said physicians could not examine, diagnose, and treat Plaintiffs and others who  
22 were exposed to asbestos, despite the fact that Defendants, their "alternate entities," and  
23 each of them, were under a duty to so inform and said failure was misleading;

24 (k) Defendants, their "alternate entities," and each of them, willfully failed and  
25 omitted to complete and file a First Report of Occupational Injury or Illness regarding  
26 Plaintiffs' injuries, as required by law, and did willfully fail and omit to file a Report of  
27 Injury and Occupational Disease with the State of California. Plaintiff TERRY LEE  
28 SIEGFRIED was in the class of persons with respect to whom a duty was owed to file

1 such reports and who would have been protected thereby if the fact of danger from  
2 products complained of had become known;

3 (l) Defendants, their "alternate entities," and each of them, having such  
4 aforementioned knowledge, and the duty to inform Plaintiff TERRY LEE SIEGFRIED  
5 about the true facts, and knowing the Plaintiff TERRY LEE SIEGFRIED did not possess  
6 such knowledge and would breathe such material innocently, acted falsely and  
7 fraudulently and with full intent to cause Plaintiff TERRY LEE SIEGFRIED to remain  
8 unaware of the true facts and to induce Plaintiff TERRY LEE SIEGFRIED to work in a  
9 dangerous environment, all in violation of Sections 1708, 1709, and 1710 of the Civil  
10 Code of the State of California.

11 43. As a direct and proximate result of such intentional conduct by Defendants, their  
12 "alternate entities" and each of them, Plaintiffs sustained and continue to sustain the injuries and  
13 damages alleged herein.

14 44. The herein-described conduct of said Defendants, their "alternate entities," and  
15 each of them, was and is willful, malicious, fraudulent, outrageous, and in conscious disregard  
16 and indifference to the safety and health of "exposed persons." Plaintiffs, for the sake of  
17 example and by way of punishing said Defendants, seek punitive damages according to proof.

18 WHEREFORE, Plaintiffs pray for judgment against Defendants, and their "alternate  
19 entities," and each of them, as hereinafter set forth.

20 **FIFTH CAUSE OF ACTION**

21 (Respirator Defendant's Negligence)

22 AS AND FOR A FIFTH FOURTH, SEPARATE, FURTHER AND DISTINCT CAUSE  
23 OF ACTION, PLAINTIFFS COMPLAIN OF RESPIRATOR DEFENDANTS 3M COMPANY  
24 f/k/a MINNESOTA MINING & MANUFACTURING COMPANY, BACOU-DALLOZ USA,  
25 INC., (sued as successor-in-interest and/or f/k/a W.G.M. SAFETY PRODUCTS d/b/a  
26 WILLSON SAFETY PRODUCTS); and DOES 351-450, and THEIR "ALTERNATE  
27 ENTITIES," AND EACH OF THEM, AND ALLEGE AS FOLLOWS:

28 45. Plaintiffs incorporate herein by reference, as though fully set forth therein, the  
general allegations set forth above.

46. Plaintiff, TERRY LEE SIEGFRIED, was given and wore RESPIRATOR

1 DEFENDANTS' safety masks while he and others in his immediate presence removed,  
2 replaced, installed, and cleaned up asbestos-containing products at Long Beach Naval Shipyard.

3 47. At all times herein mentioned, RESPIRATOR DEFENDANTS were the  
4 successor, successor-in-business, successor-in-product line or a portion thereof, parent,  
5 subsidiary, wholly or partially owned by, or the whole or partial owner of or member in an  
6 entity researching, studying, manufacturing, fabricating, designing, modifying, labeling,  
7 assembling, distributing, buying, offering for sale, supplying, selling, inspecting, marketing,  
8 warranting, re-branding, manufacturing for others, packaging and advertising safety masks.

9 DEFENDANT

ALTERNATE ENTITY

10 3M COMPANY

MINNESOTA MINING AND  
MANUFACTURING

11 BACOU-DALLOZ USA, INC

W.G.M. SAFETY PRODUCTS  
WILLSON SAFETY PRODUCTS

12  
13  
14 48. At all times herein mentioned, RESPIRATOR DEFENDANTS and their "alternate  
15 entities" were engaged in the business of researching, manufacturing, fabricating, designing,  
16 modifying, labeling, assembling, distributing, buying, offering for sale, supplying, selling,  
17 inspecting, servicing, installing, renting, marketing, warranting, re-branding, manufacturing for  
18 others, packaging, and advertising safety masks.

19 49. RESPIRATOR DEFENDANTS knew, or reasonably should have known, that  
20 safety masks were dangerous and were likely to be dangerous when used in their intended and  
21 reasonably foreseeable manner.

22 50. At all times herein mentioned, RESPIRATOR DEFENDANTS singularly and  
23 jointly, negligently and carelessly researched, manufactured, fabricated, specified, designed,  
24 modified, tested or failed to test, warned or failed to warn of the health hazards, labeled,  
25 assembled, distributed, bought, offered for sale, supplied, sold, inspected, serviced, installed,  
26 repaired, marketed, warranted, re-branded, manufactured for others, packaged, and advertised  
27 safety masks to be used with asbestos, and were unreasonably dangerous because respirable  
28 asbestos fibers could be and were inhaled while wearing RESPIRATOR DEFENDANTS' safety

1 masks resulting in personal injuries to users, consumers, workers, bystanders, and others,  
2 including Plaintiff, TERRY LEE SIEGFRIED.

3 51. Said safety masks were used at all times in a manner that was reasonably  
4 foreseeable to RESPIRATOR DEFENDANTS thereby rendering said products unsafe and  
5 dangerous for use by Plaintiff, TERRY LEE SIEGFRIED. Plaintiffs herein allege that  
6 RESPIRATOR DEFENDANTS' negligence caused Plaintiff, TERRY LEE SIEGFRIED, to be  
7 exposed to asbestos released from asbestos containing products, and that RESPIRATOR  
8 DEFENDANTS' negligence and Plaintiff's exposures to asbestos resulting therefrom were  
9 substantial contributing factors in the development of Plaintiff's malignant mesothelioma and  
10 death, and therefore proximately caused Plaintiffs' injuries and damages.

11 52. At all relevant times, RESPIRATOR DEFENDANTS had a duty to exercise  
12 reasonable care while engaging in the activities mentioned above and RESPIRATOR  
13 DEFENDANTS breached said duty of reasonable care in that RESPIRATOR DEFENDANTS  
14 failed to safely and adequately design, manufacture and/or sell its safety masks; failed to test or  
15 adequately test its safety masks; failed to investigate the hazards of its safety masks; failed to  
16 instruct on safer uses of its safety masks to minimize or eliminate harmful exposures; failed to  
17 warn "exposed persons," including Plaintiff, TERRY LEE SIEGFRIED, of the health hazards of  
18 using RESPIRATOR DEFENDANTS' safety masks; failed to warn of the harmful exposures  
19 caused by use of RESPIRATOR DEFENDANTS' safety masks; failed to instruct on safer uses  
20 of said safety masks to minimize harmful exposures; failed to disclose the known or knowable  
21 dangers of using RESPIRATOR DEFENDANTS' safety masks; and/or failed to obtain or offer  
22 suitable alternative RESPIRATOR DEFENDANTS' safety masks when such alternatives were  
23 available.

24 53. Since on or before 1930, the hazards and dangerous propensities of the asbestos  
25 were both known and knowable to RESPIRATOR DEFENDANTS through the use of medical  
26 and/or scientific data and other knowledge available to RESPIRATOR DEFENDANTS at the  
27 time of its manufacture, distribution, sale, research, study, fabrication, design, modification,  
28 labeling, assembly, leasing, buying, offering for sale, supply, inspection, service, installation,

1 contracting for installation, repair, marketing, warranting, re-branding, re-manufacturing for  
2 others, packaging and advertising, of its safety masks, all of which clearly indicated the hazards  
3 and dangerous propensities of exposures to asbestos and that they presented a substantial danger  
4 to end users, including Plaintiff, TERRY LEE SIEGFRIED.

5 54. RESPIRATOR DEFENDANTS knew, or reasonably should have known, that is  
6 safety masks would be used during the installation, repair, maintenance, overhaul, removal,  
7 sawing, chipping, hammering, mixing, scraping, sanding, sweeping, breaking, "ripping out,"  
8 cutting, dumping, disturbing or handling of asbestos, or otherwise in the ordinary, intended and  
9 foreseeable use, resulting in the release of airborne hazardous and dangerous asbestos fibers, and  
10 that through such activity, "exposed person," including Plaintiff, TERRY LEE SIEGFRIED,  
11 herein, would be exposed to said hazardous and dangerous asbestos fibers while using  
12 RESPIRATOR DEFENDANTS' safety masks in an intended and reasonably foreseeable  
13 manner.

14 55. RESPIRATOR DEFENDANTS' negligent failure to warn was a substantial factor  
15 in causing harm to Plaintiff, TERRY LEE SIEGFRIED. RESPIRATOR DEFENDANTS knew  
16 or reasonably should have known that users, such as Plaintiff, TERRY LEE SIEGFRIED, and  
17 others in his position, working with and in close proximity to asbestos would not realize or  
18 know the danger of asbestos while wearing its safety masks. RESPIRATOR DEFENDANTS  
19 thereafter negligently failed to adequately warn or instruct of the dangers of asbestos while using  
20 its safety masks, as reasonable designers, manufacturers, distributors, sellers, or suppliers, under  
21 the same or similar circumstances, would have warned of these dangers to avoid asbestos  
22 exposures, a foreseeable risk of harm.

23 56. At all relevant, RESPIRATOR DEFENDANTS were additionally negligent  
24 because they failed to recall/retrofit their safety masks in that RESPIRATOR DEFENDANTS  
25 manufactured/distributed/sold products, that RESPIRATOR DEFENDANTS knew or  
26 reasonably should have known were dangerous or were likely to be dangerous when used in a  
27 reasonably foreseeable manner; that RESPIRATOR DEFENDANTS became aware of the  
28 defectiveness of their safety masks after the product was sold to Plaintiff's employer; that

1 RESPIRATOR DEFENDANTS failed to recall/retrofit or warn of the dangers of using their  
2 safety masks; that a reasonable manufacturer/distributor/seller under the same or similar  
3 circumstance would have recalled/retrofitted the product; that Plaintiff, TERRY LEE  
4 SIEGFRIED, was injured by asbestos using RESPIRATOR DEFENDANTS' safety masks; and  
5 that RESPIRATOR DEFENDANTS' failure to recall/retrofit their masks was a substantial  
6 factor in causing Plaintiff, TERRY LEE SIEGFRIED'S injuries and death.

7 57. Plaintiffs further allege that RESPIRATOR DEFENDANTS also engaged in the  
8 following wrongful acts:

9 (a) RESPIRATOR DEFENDANTS suppressed from all consumers, including  
10 Plaintiff, TERRY LEE SIEGFRIED, medical and scientific information concerning the  
11 health hazards associated with inhalation of asbestos, including the substantial risk of  
12 injury or death therefrom. Although RESPIRATOR DEFENDANTS knew of the  
13 substantial risks associated with exposure to asbestos, they willfully and knowingly  
14 concealed such information from the users of their asbestos and/or asbestos-containing  
15 products in conscious disregard of the rights, safety and welfare of "exposed person,"  
16 including Plaintiff, TERRY LEE SIEGFRIED;

17 (b) RESPIRATOR DEFENDANTS belonged to, participated in, and  
18 financially supported industry organizations, including but not limited to the Gypsum  
19 Association, Asbestos Information Association, Industrial Hygiene Foundation and  
20 others, which, for and on behalf of RESPIRATOR DEFENDANTS actively promoted the  
21 suppression of information about the dangers of asbestos to users of the aforementioned  
22 products and materials, thereby misleading Plaintiff, TERRY LEE SIEGFRIED, as to the  
23 safety of their products. Through their participation and association with such industry  
24 organizations, RESPIRATOR DEFENDANTS knowingly and deliberately concealed and  
25 suppressed the true information regarding asbestos and its dangers, and propagated  
26 misinformation intended to instill a false security about the asbestos. The Dust Control  
27 Committee, which changed its name to the Air Hygiene Committee, of the Asbestos  
28 Textile Institute, was specifically enlisted to study the subject of dust control. Discussions

1 in this committee were held many times regarding the dangers inherent in asbestos and  
2 the dangers, which arise from the lack of control of dust, and such information was  
3 suppressed from public dissemination from 1946 to a date unknown to Plaintiff, TERRY  
4 LEE SIEGFRIED, at this time;

5 (c) Commencing in 1930 with the study of mine and mill workers at Asbestos  
6 and Thetford Mines in Quebec, Canada, and the study of the workers at Raybestos-  
7 Manhattan plants in Manheim and Charleston, South Carolina, RESPIRATOR  
8 DEFENDANTS knew and possessed medical and scientific information of the  
9 connection between the inhalation of asbestos fibers and asbestosis, which information  
10 was disseminated through the Asbestos Textile Institute and other industry organizations  
11 to RESPIRATOR DEFENDANTS. RESPIRATOR DEFENDANTS thereafter failed to  
12 provide this information to consumers;

13 (d) RESPIRATOR DEFENDANTS failed to warn Plaintiff, TERRY LEE  
14 SIEGFRIED, and others of the nature of said materials which were dangerous when  
15 breathed and which could cause pathological effects without noticeable trauma, despite  
16 the fact that RESPIRATOR DEFENDANTS and its "alternate entities" possessed  
17 knowledge and were under a duty to disclose that said materials were dangerous and a  
18 threat to the health of persons coming into contact therewith;

19 (e) RESPIRATOR DEFENDANTS failed to provide Plaintiff, TERRY LEE  
20 SIEGFRIED, with information concerning adequate protective masks and other  
21 equipment devised to be used when applying, mixing, sawing, cutting, installing and  
22 sanding asbestos containing products, despite knowing that such protective measures  
23 were necessary, and that they were under a duty to disclose that such materials were  
24 dangerous and would result in injury to Plaintiff, TERRY LEE SIEGFRIED, and others  
25 applying and installing such material;

26 (f) RESPIRATOR DEFENDANTS knew and failed to disclose that Plaintiff,  
27 TERRY LEE SIEGFRIED, and anyone similarly situated, upon inhalation of asbestos  
28 would, in time, have a substantial risk of developing irreversible conditions of

1 pneumoconiosis, asbestosis, mesothelioma and/or cancer;

2 (g) RESPIRATOR DEFENDANTS failed to provide information of the true  
3 nature of the hazards of its masks and asbestos and that exposure to asbestos would cause  
4 pathological effects without immediate, noticeable trauma to the public, including buyers,  
5 users, and physicians employed by Plaintiff, TERRY LEE SIEGFRIED, so that said  
6 physicians could not examine, diagnose, and treat Plaintiff and others who were exposed  
7 to asbestos, despite the fact that RESPIRATOR DEFENDANTS were under a duty to so  
8 inform and said failure was misleading;

9 (h) RESPIRATOR DEFENDANTS and its officers, directors, and managing  
10 agents participated in, authorized, expressly and impliedly ratified, and had full  
11 knowledge of, or should have known of, each of the acts set forth herein. RESPIRATOR  
12 DEFENDANTS is liable for the oppressive and malicious acts of their "alternate entities"  
13 and each Defendant's officers, directors, and managing agents participated in, authorized,  
14 expressly and impliedly ratified, and had full knowledge of, or should have known of, the  
15 acts of each of their "alternate entities" as set forth herein.

16 58. The herein-described conduct of said RESPIRATOR DEFENDANTS was and is  
17 willful, malicious, oppressive, outrageous, and in conscious disregard and indifference to the  
18 safety and health of "exposed persons," including Plaintiff, TERRY LEE SIEGFRIED, in that  
19 RESPIRATOR DEFENDANTS continued to manufacture, market, supply, distribute and/or sell  
20 dangerous safety masks known to allow exposures to asbestos, and to cause severe, permanent  
21 injuries and death, despite possessing knowledge of the substantial hazards posed by use of its  
22 safety masks, in order to continue to profit financially therefrom. RESPIRATOR  
23 DEFENDANTS engaged in such conduct so despicable, contemptible, base, vile, miserable,  
24 wretched and loathsome so as to be looked down upon and despised by ordinary people and  
25 justifies an award of punitive and exemplary damages pursuant to Civil Code section 3294.  
26 Plaintiffs, for the sake of example and by way of punishing said RESPIRATOR  
27 DEFENDANTS, seek punitive damages according to proof.

28 59. RESPIRATOR DEFENDANTS engaged in conduct which was intended by

1 RESPIRATOR DEFENDANTS to cause injury to the Plaintiff, and its despicable conduct  
2 which was carried on by the RESPIRATOR DEFENDANTS with a willful and conscious  
3 disregard of the rights or safety of others, including Plaintiff, TERRY LEE SIEGFRIED.

4 60. RESPIRATOR DEFENDANTS engaged in the despicable conduct described  
5 herein that subjected persons, including Plaintiff, TERRY LEE SIEGFRIED, to cruel and unjust  
6 hardship in the form of severe, debilitating and fatal diseases like asbestosis, lung cancer and  
7 mesothelioma, in conscious disregard of those persons' rights.

8 61. As a direct and proximate result of the conduct of RESPIRATOR  
9 DEFENDANTS, Plaintiff, TERRY LEE SIEGFRIED, was exposed to asbestos which caused  
10 severe and permanent injury and death to the Plaintiff, the nature of which, along with the date  
11 of Plaintiff diagnosis and death and the date he learned such injuries were attributable to  
12 exposure to RESPIRATOR DEFENDANTS. Plaintiffs are now informed and believe, and  
13 thereon allege, that progressive lung disease, cancer and other serious diseases are caused by  
14 inhalation of asbestos fibers without immediate, perceptible trauma and that said disease results  
15 from exposure to asbestos.

16 62. Plaintiff, TERRY LEE SIEGFRIED suffered from malignant mesothelioma,  
17 caused by RESPIRATOR DEFENDANTS' negligence and Plaintiff's exposure to asbestos  
18 because of his reliance and use of RESPIRATOR DEFENDANTS' safety masks while  
19 handling, cutting, sawing, lathing or otherwise manipulating asbestos and products containing  
20 asbestos including those products identified in paragraph 3 above. Plaintiff, TERRY LEE  
21 SIEGFRIED, was not aware at the time of exposure that RESPIRATOR DEFENDANTS' safety  
22 masks presented any risk of injury and/or disease.

23 63. As a direct and proximate result of such intentional conduct by RESPIRATOR  
24 DEFENDANTS, Plaintiff, TERRY LEE SIEGFRIED, sustained the injuries and damages  
25 alleged herein, Plaintiff, TERRY LEE SIEGFRIED, suffered injuries to his person, body and  
26 health, and death, including, but not limited to, pain, discomfort, loss of weight, loss of appetite,  
27 fatigue, somnolence, lethargy, dyspnea, dysphagia, and other physical symptoms, and the mental  
28 and emotional distress attendant thereto, all to Plaintiffs' general damage in a sum in excess of

1 the jurisdictional limit of a limited civil case.

2 64. As a direct and proximate result of the aforesaid conduct of RESPIRATOR  
3 DEFENDANTS, Plaintiffs incurred, are presently incurring, and will incur in the future, liability  
4 for physicians, surgeons, nurses, hospital care, medicine, hospices, X-rays and other medical  
5 treatment, the true and exact amount thereof being presently unknown to Plaintiffs, subject to  
6 proof at trial.

7 65. As a further direct and proximate result of the said conduct of the RESPIRATOR  
8 DEFENDANTS, Plaintiffs incurred, and will incur, loss of income, wages, profits and  
9 commissions, a diminishment of earning potential, and other pecuniary losses, the true and exact  
10 amount thereof being presently unknown to Plaintiffs, subject to proof at trial.

11 WHEREFORE, Plaintiffs pray for judgment against RESPIRATOR DEFENDANTS as  
12 hereinafter set forth.

13 **SIXTH CAUSE OF ACTION**

14 (Respirator Defendants' Strict Liability)

15 AS AND FOR A SIXTH, SEPARATE, FURTHER AND DISTINCT CAUSE OF  
16 ACTION FOR STRICT LIABILITY, PLAINTIFFS COMPLAIN OF RESPIRATOR  
DEFENDANTS AND THEIR "ALTERNATE ENTITIES" AND ALLEGE AS FOLLOWS:

17 66. Plaintiffs incorporate herein by reference, as though fully set forth therein, each  
18 and every one of the general allegations and the allegations contained in paragraphs 1, 2, 3, 5,  
19 and 45-65 above.

20 67. Plaintiff, TERRY LEE SIEGFRIED, was given and wore RESPIRATOR  
21 DEFENDANTS' safety masks while he and others in his immediate presence removed,  
22 replaced, installed, and cleaned up asbestos-containing products at Long Beach Naval Shipyard.

23 68. RESPIRATOR DEFENDANTS sold safety masks and failed to adequately warn  
24 or instruct of the known and knowable dangers and risks of the ordinary, intended, and  
25 foreseeable use of its safety masks, which dangers and risks would not have been, and were not,  
26 recognized by RESPIRATOR DEFENDANTS' customers or ordinary consumers of the masks,  
27 including Plaintiff, TERRY LEE SIEGFRIED.

28 69. The lack of sufficient instructions and/or warnings was a substantial factor in

1 causing harm to Plaintiff, TERRY LEE SIEGFRIED, and others in Plaintiff's position working  
2 with and in close proximity to such products.

3 70. RESPIRATOR DEFENDANTS' safety masks were defective and unsafe for their  
4 intended purpose and foreseeable use in that, when used said masks would result in inhalation of  
5 hazardous and dangerous asbestos fibers by persons wearing the masks, including Plaintiff,  
6 TERRY LEE SIEGFRIED. The defect existed in all of said products when they left the  
7 possession of RESPIRATOR DEFENDANTS.

8 71. At the time RESPIRATOR DEFENDANTS' safety masks were used by Plaintiff  
9 the products were in substantially the same condition as when they left the possession of  
10 RESPIRATOR DEFENDANTS and/or any changes made to the products after they left the  
11 possession of RESPIRATOR DEFENDANTS were reasonably foreseeable. RESPIRATOR  
12 DEFENDANTS' safety masks were used by Plaintiff, TERRY LEE SIEGFRIED, in a way that  
13 was reasonably foreseeable to RESPIRATOR DEFENDANTS. The defect in said products was  
14 a substantial factor in causing harm and personal injuries to Plaintiff, TERRY LEE  
15 SIEGFRIED, including malignant mesothelioma, since they were being used in a reasonably  
16 foreseeable manner, thereby rendering said products defective, unsafe, and unreasonably  
17 dangerous for their ordinary and intended use.

18 72. As a direct and proximate result of the actions and conduct outlined herein,  
19 RESPIRATOR DEFENDANTS' safety masks failed to perform as safely as an ordinary  
20 company or consumer would have expected in that RESPIRATOR DEFENDANTS' safety  
21 masks allowed respirable asbestos fibers to be inhaled from asbestos products during the safety  
22 masks ordinary and intended use, and these hazardous asbestos exposures cause severe and fatal  
23 diseases, including asbestosis, lung cancer, mesothelioma and other cancers in humans.

24 73. Plaintiffs further allege Plaintiff, TERRY LEE SIEGFRIED, and his employers  
25 were unaware of the defect in RESPIRATOR DEFENDANTS' safety masks and further  
26 unaware of the harmful exposures to asbestos that would occur when using RESPIRATOR  
27 DEFENDANTS' safety masks, and this failure of RESPIRATOR DEFENDANTS' safety masks  
28 to perform as safely as expected was a substantial factor in causing his injuries.

1           74. As a direct and proximate result of the actions, defects and conduct outlined  
2 herein, Plaintiff, TERRY LEE SIEGFRIED, suffered the injuries and damages alleged herein

3           75. RESPIRATOR DEFENDANTS and their officers, directors, and managing agents  
4 participated in, authorized, expressly and impliedly ratified, and had full knowledge of, or  
5 should have known of, each of the acts set forth herein. RESPIRATOR DEFENDANTS are  
6 liable for the oppressive and malicious acts of its "alternate entities" and its officers, directors,  
7 and managing agents participated in, authorized, expressly and impliedly ratified, and had full  
8 knowledge of, or should have known of, the acts of each of their "alternate entities" as set forth  
9 herein.

10           76. The herein-described conduct of said RESPIRATOR DEFENDANTS was and is  
11 willful, malicious, oppressive, outrageous, and in conscious disregard and indifference to the  
12 safety and health of "exposed person," including Plaintiff, TERRY LEE SIEGFRIED, in that  
13 RESPIRATOR DEFENDANTS continued to manufacture, market and/or sell dangerous  
14 products known to cause severe, permanent injuries and death, despite possessing knowledge of  
15 the substantial hazards posed by use of their products, in order to continue to profit financially  
16 therefrom. RESPIRATOR DEFENDANTS engaged in such conduct so despicable,  
17 contemptible, base, vile, miserable, wretched and loathsome as to be looked down upon and  
18 despised by ordinary people and justifies an award of punitive and exemplary damages pursuant  
19 to Civil Code section 3294. Plaintiffs, for the sake of example and by way of punishing  
20 RESPIRATOR DEFENDANTS seeks punitive damages according to proof.

21           77. RESPIRATOR DEFENDANTS engaged in conduct which was intended to cause  
22 injury to the Plaintiff, and despicable conduct which was carried on by RESPIRATOR  
23 DEFENDANTS with a willful and conscious disregard of the rights or safety of others,  
24 including Plaintiff, TERRY LEE SIEGFRIED.

25           78. RESPIRATOR DEFENDANTS engaged in the despicable conduct described  
26 herein that subjected persons, including Plaintiff, TERRY LEE SIEGFRIED, to cruel and unjust  
27 hardship in the form of severe, debilitating and fatal diseases like asbestosis, lung cancer and  
28 mesothelioma, in conscious disregard of those persons' rights.

1 79. As a direct and proximate result of such intentional conduct by RESPIRATOR  
2 DEFENDANTS Plaintiff, TERRY LEE SIEGFRIED, sustained the injuries and damages  
3 alleged herein.

4 WHEREFORE, Plaintiffs pray for judgment against RESPIRATOR DEFENDANTS as  
5 hereinafter set forth.

6 **SEVENTH CAUSE OF ACTION**

7 (Loss of Consortium)

8 AS AND FOR A FURTHER, SEVENTH SEPARATE, AND DISTINCT CAUSE OF  
9 ACTION FOR LOSS OF CONSORTIUM, PLAINTIFF TERRI SIEGFRIED COMPLAINS OF  
10 DEFENDANTS, DOES 1-450, THEIR "ALTERNATE ENTITIES," AND EACH OF THEM,  
11 AND ALLEGES AS FOLLOWS:

12 80. Plaintiff TERRI SIEGFRIED incorporates by reference, each and every paragraph  
13 of the First through Sixth Causes of Action herein.

14 81. Plaintiffs TERRY LEE SIEGFRIED and TERRI SIEGFRIED were married on  
15 July 7, 1991, and at all times relevant to this action were, and are now, husband and wife.

16 82. Prior to Plaintiff TERRY LEE SIEGFRIED's injuries as alleged, he was able and  
17 did perform duties as a spouse. Subsequent to the injuries and as a proximate result thereof,  
18 Plaintiff TERRY LEE SIEGFRIED has been unable to perform the necessary duties as a spouse  
19 and the work and services usually performed in the care, maintenance, and management of the  
20 family home, and he will be unable to perform such work, service and duties in the future. As a  
21 proximate result thereof, TERRI SIEGFRIED has been permanently deprived and will be  
22 deprived of the consortium of her spouse, including the performance of duties, all to his  
23 damages, in an amount presently unknown but which will be proved at the time of trial.

24 83. Plaintiff TERRI SIEGFRIED's discovery of this cause of her loss of consortium,  
25 as herein alleged, first occurred within one year of the date this Complaint was filed.

26 84. As a direct and proximate result of the acts of Defendants, their "alternate  
27 entities," and each of them, and the severe injuries caused thereby to Plaintiff TERRY LEE  
28 SIEGFRIED, as set forth in this complaint, Plaintiff TERRI SIEGFRIED has suffered, and for a  
long period of time will continue to suffer, loss of consortium, including, but not limited, loss of

1 services, marital relations, society, comfort, companionship, love and affection of said spouse,  
2 and has suffered severe mental and emotional distress and general nervousness as a result  
3 thereof.

4 WHEREFORE, Plaintiffs pray for judgment against Defendants, their "alternate entities,"  
5 and each of them, in an amount to be proved at trial in each individual case, as follows:

6 Plaintiff TERRY LEE SIEGFRIED:

- 7 1. For Plaintiff's general damages according to proof;
- 8 2. For Plaintiff's loss of income, wages, and earning potential according to proof;
- 9 3. For Plaintiff's medical and related expenses according to proof;

10 Plaintiff TERRI SIEGFRIED:

- 11 4. For Plaintiff's damages for loss of consortium and/or society according to proof;

12 Plaintiffs TERRY LEE SIEGFRIED and TERRI SIEGFRIED:

- 13 5. For Plaintiffs' cost of suit herein;
- 14 6. For exemplary or punitive damages according to proof;
- 15 7. For damages for fraud according to proof; and
- 16 8. For such other and further relief as the Court may deem just and proper, including  
17 costs and prejudgment interest as provided in C.C.P. section 998, C.C.P. section 1032, and  
18 related provisions of law.

19

20 DATED: January 26, 2018

**THE LANIER LAW FIRM**

21

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By: 

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Mark A. Linder  
Case A. Dam  
Attorneys for Plaintiffs

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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand trial by jury as to all issues so triable.

DATED: January 26, 2018      **THE LANIER LAW FIRM**

By: 

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Mark A. Linder  
Case A. Dam  
Attorneys for Plaintiffs

**EXHIBIT "A"**

Plaintiff TERRY LEE SIEGFRIED's exposure to asbestos and asbestos-containing products occurred at various locations including but not limited to within the States of California, ; and additional sites including, but not limited to:

Employer	Location of Exposure	Job Title	Date(s)
Long Beach Naval Shipyard	Various, including, but not limited to: Long Beach Naval Shipyard; Long Beach, CA; Roark (FF-1053); Gray (FF-1054); Hepburn (FF-1055); Meyerkord (FF-1058); Lockwood (FF-1064); Markin Shields (FF-1066); Francis Hammonds (FF-1067); Downes (FF-1070); Cook (Ff-1083); Barbey (FF-1088); Ogden (LPD-5); Duluth (LPD-6); Cleveland (LPD-7); Dubuque (LPD-8); Denver (LPD-9); Juneau (LPD-10); Norton Sound (AVM-1); St. Paul (CA-73); Chicago (CA-136); New Jersey (BB -62); Missouri (BB-63); Hull (DD-945); Morton (DD-948); Lofberg (DD-759); Tripoli (LPH-10); Paul Foster (DD-964); Kinkaid (DD-965); Hewitt (DD-966); David R Ray (DD-971); Oldendorf (DD-972); John Young (DD -973); Jouett (CG-29); Home (CG-30); Sterett (CG-31); Fox (CG-33); Tarawa (LHA-1); Belleau Wood (LHA-3); Peleliu (LHA-5); Henry B. Wilson (DDG-7); Towers (DDG-9); Robison (DDG-12); Hoel (DDG-13); Waddell (DDG-24)	Various, including but not limited to: Electrician, Marine Electrician	Approx. 1969-1996

**EXHIBIT "B"**

1  
2 Plaintiff TERRY LEE SIEGFRIED's exposure to Defendants' Products caused severe  
3 and permanent injury to Plaintiff TERRY LEE SIEGFRIED including, but not limited to,  
4 mesothelioma. Plaintiff was diagnosed with mesothelioma on or about October of 2017.  
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