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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
5 FOR THE COUNTY OF MULTNOMAH  
6

7 MICHAEL FISHER,

8 Plaintiff,

9 vs.

10 A.W. CHESTERTON CO., a Massachusetts  
11 corporation; CH MURPHY/CLARK-ULLMAN,  
12 INCORPORATED, an Oregon corporation,  
13 individually and as successor-in-interest to CH  
14 Murphy, and as successor-in-interest to Clark-  
15 Ullman, Inc.; FRASER'S BOILER SERVICE, INC.,  
16 a Washington corporation, individually and as  
17 successor in interest to Fraser Boiler Works;  
18 GENERAL ELECTRIC CO., a Connecticut  
19 corporation; GEORGIA-PACIFIC CORPORATION,  
20 individually and as successor-in-interest to Bestwall  
21 Gypsum Co., a Georgia corporation; GOULDS  
22 PUMPS (IPG), INC., individually and as successor in  
23 interest to Gould's Pumps, Inc., a Delaware  
24 corporation; INGERSOLL-RAND COMPANY, a  
25 New Jersey corporation; MAR-DUSTRIAL SALES,  
26 INC., an Oregon corporation; METROPOLITAN  
LIFE INSURANCE COMPANY, a New York  
corporation; KAISER GYPSUM COMPANY, INC.,  
a Washington corporation; METALCLAD  
INSULATION CORPORATION, a California  
corporation, individually, and as successor-in-interest  
to Pacific Asbestos, Inc.; PARAMOUNT SUPPLY  
CO., an Oregon corporation; VIACOM, INC., a  
Delaware corporation, as successor-by-merger to  
CBS Corporation formerly known as Westinghouse  
Electric Corporation; WARREN PUMPS, LLC.,  
successor in interest to Warren Pumps, Inc., Quimby  
Pump Co. and Warren Steam Pumps Co., a  
Massachusetts corporation,

Defendants.

Case No.

**COMPLAINT- PERSONAL INJURY  
Civil Action for Strict Liability and  
Common Law Negligence**

**Not Subject To Mandatory  
Arbitration**

**Jury Trial Requested**

**Prayer Amount: \$375,000.00  
Oregon Laws 2011, Ch. 595, Sec.  
15(1)(d)**

1 Plaintiff alleges that at all material times:

2  
3 **FIRST CLAIM FOR RELIEF**  
4 **(Strict Liability)**

5 1.

6 Plaintiff first discovered he has asbestosis within two years of the filing of this action.

7 2.

8 Plaintiff was exposed to asbestos in his employment as an engineer in Portland shipyards  
9 and in various Pacific Northwest industrial centers such as paper mills, aluminum mills, nuclear  
10 facilities, power generation plants, and foundries. Plaintiff incorporates all product and site  
11 identification set forth in Exhibits A, B and C. The ships Plaintiff worked upon are set forth in  
12 Exhibit B. Plaintiff also performed home repair work where he was exposed to asbestos as set  
13 forth in Exhibit C. Plaintiff reserves the right to revise Exhibits A, B and C based on discovery.

14 3.

15 At all material times:

- 16 (a) A.W. Chesterton Company was and is a Massachusetts corporation engaged in the  
17 manufacturing, distribution and sale of asbestos-containing gaskets;
- 18 (b) CH Murphy/Clark-Ullman, Inc., was and is an Oregon corporation, and successor-in-  
19 interest to CH Murphy, and successor-in-interest to Clark-Ullman, Inc., engaged in the  
20 sale and/or distribution of asbestos-containing refractory products used for the service,  
21 repair, and/or installation of boilers and/or furnaces;
- 22 (c) Fraser's Boiler Service, Inc., individually and as successor-in-interest to Fraser Boiler  
23 Works, was and is a Washington corporation engaged in the sale and/or distribution of  
24 asbestos-containing refractory products used for the service, repair, and/or installation of  
25 boilers and/or furnaces;
- 26 (d) General Electric Co., was and is a Connecticut corporation engaged in the manufacture,  
sale, and/or distribution of asbestos-containing products including, but not limited to

1 generators, insulation, gaskets, packing, wire, engines, motors, turbines and related  
2 component parts;

3 (e) Georgia Pacific Corporation, individually and as successor in interest to Bestwall Gypsum  
4 Co., was and is a Georgia corporation engaged in the manufacture, sale, and distribution  
5 of asbestos containing materials, including but not limited to asbestos mud, tape, mastics  
6 of and adhesives

7 (f) Goulds Pumps (IPG), Inc., was and is a Delaware corporation engaged in the  
8 manufacturing, distribution and sale of asbestos-containing pumps, gaskets, packing and  
9 other sealing products;

10 (g) Ingersoll-Rand Company was and is a New Jersey corporation engaged in the  
11 manufacture, sale, and/or distribution of asbestos-containing compressors, pumps, gaskets,  
12 packing and other sealing products;

13 (h) Kaiser Gypsum was and is a Washington corporation engaged in the manufacture, sale,  
14 and distribution of asbestos-containing joint compound and drywall products;

15 (i) Metropolitan Life Insurance Company was a New York corporation engaged in the  
16 business of providing a variety of insurance products, including life insurance, casualty  
17 and liability insurance, and workers' compensation insurance to a variety of customers,  
18 including corporations engaged in the manufacture, distribution, and sale of asbestos and  
19 asbestos-containing products;

20 (j) Mar-Dustrial Sales, Inc., was and is an Oregon corporation engaged in the supply of  
21 asbestos-containing materials, including but not limited to gaskets and packing;

22 (k) Metalclad Insulation Corporation, individually and as a successor-in-interest to Pacific  
23 Asbestos, was and is a California corporation and was engaged in the manufacturing,  
24 distribution and sale of asbestos-containing materials;

- 1 (l) Paramount Supply Co., was and is an Oregon corporation registered to do business in the  
2 state of Oregon, engaged in the sale and distribution of asbestos-containing gaskets, pipe  
3 and other products;
- 4 (m) Viacom, Incorporated, as successor-by-merger to CBS Corporation (formerly known as  
5 Westinghouse Electric Corporation), was and is a Delaware corporation registered to do  
6 business in the state of Oregon which engaged in the manufacture, sale, and/or distribution  
7 of asbestos-containing products including, but not limited to generators, insulation,  
8 gaskets, packing, wire, engines, motors, turbines and related component parts;
- 9 (n) Wanke Panel Company, individually and as successor in interest to Wanke Cascade, was  
10 and is an Oregon corporation engaged in the manufacture, sale, and/or distribution of  
11 asbestos-containing products including, but not limited to flooring and paneling;
- 12 (o) Warren Pumps, LLC, individually and as successor in interest to Warren Pumps, LLC,  
13 Quimby Pump Co., and Warren Steam Pumps Co., was and is a Massachusetts  
14 corporation which engaged in the manufacture, sale, and/or distribution of asbestos-  
15 containing products including, but not limited to, air compressors, pumps, gaskets and  
16 packing.

17 4.

18 At all material times, some of the Defendants regularly engaged in the business of  
19 manufacturing, marketing, selling, distributing, applying, installing, and/or rebranding asbestos-  
20 containing materials and products. Some of the defendants required the use of asbestos-  
21 containing materials for repair, maintenance and/or installation of their products at locations  
22 where the Plaintiff was present. One or more of the Defendants engaged in the mining and sale  
23 of asbestos fiber.

24 5.

25 At all times relevant to this action, the Defendants conducted regular, sustained and not  
26 isolated business activity in the State of Oregon.

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6.

Defendants' asbestos-containing products and materials released respirable asbestos fibers capable of causing asbestosis if inhaled by individuals, including the Plaintiff.

7.

The asbestos or asbestos-containing products of the Defendant suppliers, manufacturers or distributors were unreasonably dangerous and defective in that:

- (a) The Defendants did not provide sufficient warnings and/or instructions of the harm caused by exposure to the Defendants' asbestos-containing products;
- (b) The asbestos-containing products of the Defendants were capable of causing asbestosis if inhaled by individuals, including the Plaintiff, in their work places, including those set forth above.
- (c) Individual workers, including the Plaintiff, were not warned to utilize proper respiratory protection to protect them from airborne asbestos fibers within their working environment.

8.

As a result of the Plaintiff's exposure to the unreasonably dangerous and defective asbestos-containing products of Defendants, as set forth above, Plaintiff contracted asbestosis, from which Plaintiff suffered pain, discomfort, fear, and interference with his daily activities and enjoyment of life, and endured mental and emotional pain and suffering, all to the Plaintiff's non-economic damages in an amount to be determined fair by a jury, not to exceed \$350,000.

9.

As a result of the Plaintiff's exposure to the unreasonably dangerous and defective asbestos-containing products of Defendants, as set forth above, Plaintiff contracted asbestosis, and incurred doctor, hospital and medical expenses resulting in economic damages in an amount currently unknown so pled as \$25,000.00.

1 **SECOND CLAIM FOR RELIEF**  
2 **(Negligence)**

3 10.

4 Plaintiff re-alleges paragraphs 1 through 9.

5 11.

6 Defendants were negligent generally and in one or more of the following particulars:

- 7 (a) The Defendants did not provide sufficient warnings and/or instructions of the harm  
8 caused by exposure to the Defendant's asbestos-containing products when the  
9 Defendants, prior to the period of the Plaintiff's exposure to asbestos and asbestos-  
10 containing products, possessed information concerning the adverse effects and disease-  
11 producing capabilities of those products;
- 12 (b) The Defendants failed to withdraw asbestos-containing products from the market prior  
13 to the Plaintiff's exposure, when the Defendants possessed information concerning the  
14 adverse effects and disease-producing capabilities of those products;
- 15 (c) The Defendants failed to determine the level of airborne asbestos fibers emitted by their  
16 products when the products were being used by the end user;
- 17 (d) The Defendants failed to conduct tests to determine the amount of asbestos to which  
18 the Plaintiff, or similarly situated workers, would be exposed, when engaging in the use  
19 of the products; and
- 20 (e) The Defendants failed to warn individual workers, including the Plaintiff, regarding the  
21 hazards associated with the use of the product.

22 12.

23 As a result of the Defendants' negligence, as set forth above, Plaintiff was exposed to  
24 airborne asbestos fibers, which caused him to contract asbestosis, from which Plaintiff suffered  
25 pain, discomfort, fear, and interference with his daily activities and enjoyment of life, and  
26 endured mental and emotional pain and suffering, all to the Plaintiff's non-economic damages in  
an amount to be determined fair by a jury, not to exceed \$350,000.00.

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13.

As a result of the Defendants' negligence, Plaintiff was exposed to airborne asbestos fibers, as set forth above, and Plaintiff contracted asbestosis, and incurred doctor, hospital and medical expenses resulting in economic damages in an amount currently unknown and so pled in the amount of \$25,000.00.

**WHEREFORE**, Plaintiff prays for judgment as follows:

**First Claim for Relief (Strict Liability):**

1. Non-economic damages in the amount of \$350,000.00.
2. Economic damages in the amount of \$25,000.00.
3. Plaintiff's costs and disbursements incurred herein.
4. Any other costs this court deems equitable.

**Second Claim for Relief (Negligence):**

1. Non-economic damages in the amount of \$350,000.00.
2. Economic damages in the amount of \$25,000.00.
3. Plaintiff's costs and disbursements incurred herein.
4. Any other costs this court deems equitable.

**DATED:** January 14, 2013.

LAW OFFICES OF DEVIN ROBINSON, P.C.



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Devin N. Robinson, OSB No. 064879  
*Of Attorneys for Plaintiff*

Plaintiff demands a jury trial.

LAW OFFICES OF DEVIN ROBINSON, P.C.



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Devin N. Robinson, OSB No. 064879  
*Of Attorneys for Plaintiff*

EXHIBIT A  
(Work History)

DATES	EMPLOYER	LOCATION(S)	PRODUCTS	TYPE
1965-1972	Albina Engine & Machine	Albina Shipyard	GENERAL ELECTRIC; WESTINGHOUSE  INGERSOLL-RAND GOULD'S  AW CHESTERTON; PARAMOUNT; MAR-DUSTRIAL  CH MURPHY; FRASER BOILER	Turbines, generators and associated materials  Pumps and associated materials  Sealing products  Refractory, cement, castables, sealing products, and associated boiler materials
1972-1973	Columbia Machine Material Handling	Columbia Machine Material Handling	Discovery is continuing	Discovery is continuing
1973-1974	FMC Shipbuilding	FMC	GENERAL ELECTRIC; WESTINGHOUSE  INGERSOLL-RAND GOULD'S  AW CHESTERTON; PARAMOUNT; MAR-DUSTRIAL	Turbines, generators and associated materials  Pumps and associated materials  Sealing products



			CH MURPHY; FRASER BOILER	Refractory, cement, castables, sealing products, and associated boiler materials
1974-1977	Environmental Conditioners	Alaska Pipeline	Discovery continues	Discovery continues
1975-1979	Al Palaya (sp?); Harry Porter; Discovery continues	<p>Various Locations Including:</p> <p>Boise Cascade, St. Helens, OR; (February 1977 - May 1978; August 1978 - December 1979)</p> <p>Boise Cascade, Walula, WA; (June 1975 - August 1976)</p> <p>Crown Zellerbach, Wauna, OR; (November 1976 - February 1977)</p> <p>Longview Fibre, Longview, WA; (June 1978 - August 1978)</p> <p>Weyerhaeuser, Longview, WA; (August 1976 - November 1976)</p>	<p>GENERAL ELECTRIC; WESTINGHOUSE</p> <p>INGERSOLL-RAND; GOULD'S; WARREN PUMPS</p> <p>FOSTER WHEELER</p> <p>AW CHESTERTON; PARAMOUNT; MAR-DUSTRIAL</p> <p>CH MURPHY; FRASER BOILER</p> <p>METALCLAD</p>	<p>Turbines, generators and associated materials</p> <p>Pumps and associated materials</p> <p>Boilers and associated refractory, cement, castables, pipes and sealing products</p> <p>Sealing products</p> <p>Refractory, cement, castables, sealing products, and associated boiler materials</p> <p>Insulation</p>

EXHIBIT B  
(Ship List)

Plaintiff Recalls Working on the Following Ships

Albina Engine and Machine

Hull #	Original Name	Original Owner	Type	Delivery
388	Delores Foss	Foss Launch & Tug	Tug	20-Jun-66
389	P. P. No. 2	Publishers Paper Co.	Waste Liquor Barge	8-Jun-66
390	W. T. No. 59	Western Tptn. Co.	Paper Barge	30-Aug-66
391	W. T. No. 60	Western Tptn. Co.	Paper Barge	23-Sep-66
392	C. Z. No. 2	Western Tptn. Co.	Chip Barge	21-Jul-66
393	Mary Rose Brusco	Brusco Towboat Co.	Tug	1-May-67
394	Komoku	Bay & River Nav.	Cargo Ship	10-Jul-67
395	W. T. No. 61	Western Tptn. Co.	Paper Barge	10-Jan-67
396	Transquest	Lockheed Aircraft	Cargo Vessel	15-May-67
397	Mikioi	Hawaiian Tug & Barge	Tug	3-Mar-67
398	David Foss	Foss Launch & Tug	Tug	10-Jun-67
399	Western Comet	Western Tptn. Co.	Tug	1967
400	Co-Pac No. 5	Columbia-Pacific Towing	Chip Barge	18-May-67
401	Western Sun	Western Tptn. Co.	Tug	1967
402	Co-Pac No. 6	Columbia-Pacific Towing	Chip Barge	1967
403	Momi	Hawaiian Tug & Barge	Tug	Jun-68
404	Cayuse	National Science Fndn.	Research Vessel	1968
405	Dean Foss	Foss Launch & Tug	Tug	May-68
406	Tyee	Pacific Inland Nav.	Tug	1968
407	Maukana	Dillingham Line, Inc.	Barge	Jun-68
408		CB Southern Ltd.	Power House	10-May-68
409	S.E.A. 76	Foss Launch & Tug	Tank Barge	May-69

410	PAC 160-1	Pacific Inland Nav.	Barge	Dec-68
411	PAC 160-2	Pacific Inland Nav.	Barge	1969
412	PAC 160-3	Pacific Inland Nav.	Barge	1969
413	YB-30	Young Brothers, Ltd.	Barge	17-May-69
414	Malanae	Hawaiian Tug & Barge	Tug	Feb-70
415	Makahani	Dillingham Line, Inc.	Barge	Nov-69
416	Donna Foss	Foss Launch & Tug	Tug	Sep-69
417	Huki	Hawaiian Tug & Barge	Tug	1970
418	Shelley Foss	Foss Launch & Tug	Tug	Jun-70
419	Duncan Foss	Foss Launch & Tug	Tug	May-70
420	HTB-32	Young Brothers, Ltd.	Barge	22-Apr-70
421				
422	Clara Foss	Foss Launch & Tug	Tug	May-71
423				
424				
425	Bohemia	Umpqua Navigation	Tug	5-Jan-71
426	Mapu	Dillingham Tug & Barge	Tug	10-Feb-71
427	YB-34	Young Brothers, Ltd.	Barge	25-May-71
428	Black Sand I	Hierro Panama Inc.	Bulk Carrier	Aug-71
429	HTB-35	Hawaiian Tug & Barge	Barge	Dec-71

FMC

Hull #	Original Name	Original Owner	Ship Type	GT	Delivery
1	Chevron Oregon	Chevron Oil	Product Carrier	17,700	Dec-75
2	Chevron Washington	Chevron Oil	Product Carrier	17,700	Jun-76
3	Chevron Colorado	Chevron Oil	Product Carrier	17,700	Dec-76

EXHIBIT C  
(Para-Occupational Exposure)

Plaintiff recalls working on home remodel projects in the 1960's using GEORGIA PACIFIC and KAISER GYPSUM joint compound products