

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT, IN  
AND FOR SEMINOLE COUNTY,  
FLORIDA

CASE NO.: 07-CA-3362-11-G

NADINE CULBREATH, GLENDA HOWINGTON,  
LOUISE JONES, PHYLLIS JUSTICE, ALEXANDER  
LASTARZA, PATRICIA McCLAFFERTY, CLAUDIA  
RANDALL, JESSICA RITZ, CHERYL SHAVER,  
PAULA SHREVE, CATHERINE SMITH, JEWEL  
WRIGHT, BERNICE ABBOTT, KATHLEEN VENUTI  
and KENNETH VENUTI, individually, and as Natural  
Parents and Guardians of RYAN VENUTI and KRISTEN  
VENUTI, minor children, and PATRICIA KERIS, as  
Personal Representative for the Estate of JOHN KERIS,

**Plaintiffs,**

vs.

SIEMENS CARRIER NETWORKS, LLC, n/k/a  
SIEMENS COMMUNICATIONS, INC. f/k/a  
SIEMENS INFORMATION AND COMMUNICATIONS  
NETWORKS, INC., successor by merger to SIEMENS  
TELECOM NETWORKS, LLC, successor by merger to  
SIEMENS TELECOM NETWORKS, f/k/a SIEMENS  
STROMBERG-CARLSON CORPORATION, a foreign  
corporation, SIEMENS CORPORATION, a foreign  
corporation, SIEMENS REAL ESTATE, INC., a  
foreign corporation, MONI HOLDINGS, LLC f/k/a  
MARCONI HOLDINGS, LLC, successor in interest  
to STROMBERG-CARLSON CORPORATION, a  
foreign corporation, CRESCENT RESOURCES, LLC, a  
foreign corporation, RINEHART DEVELOPMENT &  
INVESTMENT GROUP, LLC, a Florida corporation,  
GENERAL DYNAMICS CORPORATION, a foreign  
corporation, GENERAL DYNAMICS LAND SYSTEMS,  
INC., f/k/a STROMBERG-CARLSON CORPORATION,  
a foreign corporation, UNITED TECHNOLOGIES  
CORPORATION, a foreign corporation, and CHEMICAL  
CONSERVATION CORPORATION n/k/a PERMA-FIX  
OF ORLANDO, INC., a Florida corporation,

**Defendants.**

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**AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiffs, NADINE CULBREATH, GLENDA HOWINGTON, LOUISE JONES, PHYLLIS JUSTICE, ALEXANDER LASTARZA, PATRICIA McCLAFFERTY, CLAUDIA RANDALL, JESSICA RITZ, CHERYL SHAVER, PAULA SHREVE, CATHERINE SMITH, JEWEL WRIGHT, BERNICE ABBOTT, KATHLEEN VENUTI and KENNETH VENUTI, individually, and as Natural Parents and Guardians of RYAN VENUTI and KRISTEN VENUTI, minor children, (hereinafter collectively “Plaintiffs”) and PATRICIA KERIS, as Personal Representative for the Estate of JOHN KERIS, (hereinafter “Decedent”) file this Amended Complaint against Defendants, SIEMENS CARRIER NETWORKS, LLC, n/k/a SIEMENS COMMUNICATIONS, INC. f/k/a SIEMENS INFORMATION AND COMMUNICATIONS NETWORKS, INC., successor by merger to SIEMENS TELECOM NETWORKS, LLC, successor by merger to SIEMENS TELECOM NETWORKS, f/k/a SIEMENS STROMBERG-CARLSON CORPORATION, a foreign corporation (hereinafter collectively Siemens), SIEMENS CORPORATION, a foreign corporation (hereinafter Siemens Corp.), SIEMENS REAL ESTATE, INC., a foreign corporation (hereinafter Siemens R.E.), MONI HOLDINGS, LLC f/k/a MARCONI HOLDINGS, LLC, successor in interest to STROMBERG-CARLSON CORPORATION, a foreign corporation (hereinafter Moni), CRESCENT RESOURCES, LLC, a foreign corporation, (hereinafter Crescent) RINEHART DEVELOPMENT & INVESTMENT GROUP, LLC, a Florida corporation, (hereinafter Rinehart), GENERAL DYNAMICS CORPORATION, a foreign corporation (hereinafter General Dynamics), GENERAL DYNAMICS LAND SYSTEMS, INC., f/k/a STROMBERG-CARLSON CORPORATION, a foreign corporation (hereinafter General Dynamics Land), UNITED TECHNOLOGIES CORPORATION, a foreign corporation (hereinafter United Technologies), and

CHEMICAL CONSERVATION CORPORATION n/k/a PERMA-FIX OF ORLANDO, INC., a Florida corporation (hereinafter Chemical Conservation), and allege the following:

**PARTIES, JURISDICTION, AND VENUE**

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00), excluding fees and costs, and is within the jurisdiction of this Court.
2. This action arises out of bodily injuries which occurred as a result of hazardous waste discharges and/or other conditions of pollution which occurred at property located in Seminole County, Florida at 400 Rinehart Road, Lake Mary, Florida 32746 (hereinafter the “Contaminated Site”). The Contaminated Site is more specifically identified in Composite Exhibit “A” attached hereto.
3. Plaintiff, NADINE CULBREATH, is a Florida citizen and is *sui juris*.
4. Plaintiff, GLENDA HOWINGTON, is a Florida citizen and is *sui juris*.
5. Plaintiff, LOUISE JONES, is a Florida citizen and is *sui juris*.
6. Plaintiff, PHYLLIS JUSTICE, is a Florida citizen and is *sui juris*.
7. Plaintiff, ALEXANDER LASTARZA, is a Florida citizen and is *sui juris*.
8. Plaintiff, PATRICIA McCLAFFERTY, is a Florida citizen and is *sui juris*.
9. Plaintiff, CLAUDIA RANDALL, is a Florida citizen and is *sui juris*.
10. Plaintiff, JESSICA RITZ, is a Florida citizen and is *sui juris*.
11. Plaintiff, CHERYL SHAVER, is a Florida citizen and is *sui juris*.
12. Plaintiff, PAULA SHREVE, is a Florida citizen and is *sui juris*.
13. Plaintiff, CATHERINE SMITH, is a Florida citizen and is *sui juris*.
14. Plaintiff, JEWEL WRIGHT, is a Florida citizen and is *sui juris*.

15. Plaintiff, BERNICE ABBOTT, is a Florida citizen and is *sui juris*.
16. Plaintiff, KATHLEEN VENUTI, is a Georgia citizen and is *sui juris*.
17. Plaintiff, KENNETH VENUTI, is a Georgia citizen and is *sui juris*.
18. Plaintiff, RYAN VENUTI, is a Georgia citizen.
19. Plaintiff, KRISTEN VENUTI, is a Georgia citizen.
20. Decedent, JOHN KERIS, was a Florida citizen and was *sui juris*
21. Plaintiff, PATRICIA KERIS, is a Florida citizen and is *sui juris*.
22. All potential beneficiaries of a recovery for wrongful death and their relationship to the decedent, JOHN KERIS, are as follows:
  - a. The Estate of JOHN KERIS c/o PATRICIA KERIS, as Personal Representative of the Estate; and
  - b. Patricia Keris, the surviving spouse of the deceased, JOHN KERIS.
23. Defendant Siemens was and is a Delaware corporation which, at all times material hereto was authorized to do, and doing, business in Florida and through various operating subsidiaries and affiliates. Siemens has submitted itself to the jurisdiction of this Court by engaging, personally or through its agents, at times material herein in the following acts:
  - a. Purchasing the Contaminated Site or portions thereof;
  - b. Operating the Plant and/or the water treatment facility located on the Contaminated Site;
  - c. Hiring employees within the State of Florida and paying those employees within the State of Florida;

- d. Purposefully availing itself of the laws and protections of the State of Florida;
  - e. Conducting and engaging in substantial business and other activities in Florida; and
  - f. Voluntarily qualifying to conduct business in this state by registering with the Florida Department of State and designating a resident agent for service of process in Florida.
24. Siemens Corp. was and is a New York corporation which, at all times material hereto was authorized to do, and doing, business in Florida and through various operating subsidiaries and affiliates. Siemens Corp. has submitted itself to the jurisdiction of this Court by engaging, personally or through its agents, at times material herein in the following acts:
- a. Purchasing the Contaminated Site or portions thereof;
  - b. Operating the Plant and/or the water treatment facility located on the Contaminated Site;
  - c. Hiring employees within the State of Florida and paying those employees within the State of Florida;
  - d. Purposefully availing itself of the laws and protections of the State of Florida;
  - e. Conducting and engaging in substantial business and other activities in Florida; and
  - f. Voluntarily qualifying to conduct business in this state by registering with

the Florida Department of State and designating a resident agent for service of process in Florida.

25. Siemens R.E. was and is a New Jersey corporation which, at all times material hereto was authorized to do, and doing, business in Florida and through various operating subsidiaries and affiliates. Siemens R.E. has submitted itself to the jurisdiction of this Court by engaging, personally or through its agents, at times material herein in the following acts:
- a. Purchasing the Contaminated Site or portions thereof;
  - b. Operating the Plant and/or the water treatment facility located on the Contaminated Site;
  - c. Hiring employees within the State of Florida and paying those employees within the State of Florida;
  - d. Purposefully availing itself of the laws and protections of the State of Florida;
  - e. Conducting and engaging in substantial business and other activities in Florida; and
  - f. Voluntarily qualifying to conduct business in this state by registering with the Florida Department of State and designating a resident agent for service of process in Florida.
26. Defendant Moni is also a successor in interest to Plessey Incorporated, who acquired the Contaminated Site, or portions thereof on or about August 31, 1983. Plessey Incorporated held the Contaminated Site, or portions thereof, which it held for the

benefit of a separate entity named Stromberg-Carlson Corporation.

27. Defendant Moni is a Delaware limited liability company. Moni was formerly known as Marconi Holdings, LLC, and is successor to an entity known as Stromberg-Carlson Corporation.
28. Defendant Moni was and is a Delaware corporation which, at all times material hereto, was authorized to do, and doing, business in Florida and through various operating subsidiaries and affiliates. Moni has submitted itself to the jurisdiction of this Court by engaging, personally or through its agents, at times material herein in the following acts:
  - a. Purchasing the Contaminated Site or portions thereof;
  - b. Operating the Plant and/or the water treatment facility located on the Contaminated Site;
  - c. Hiring employees within the State of Florida and paying those employees within the State of Florida;
  - d. Purposefully availing itself of the laws and protections of the State of Florida;
  - e. Conducting and engaging in substantial business and other activities in Florida; and
  - f. Voluntarily qualifying to conduct business in this state by registering with the Florida Department of State and designating a resident agent for service of process in Florida.
29. Defendant Crescent is a North Carolina corporation and is a current owner of

portions and/or parcels of the Contaminated Site. Defendant Crescent submitted itself to the jurisdiction of this Court by engaging, personally or through its agents, at times material herein in the following acts:

- a. Purchasing the portions of the Contaminated Site;
- b. Hiring employees within the State of Florida and paying those employees within the State of Florida;
- c. Purposefully availing itself of the laws and protections of the State of Florida;
- d. Conducting and engaging in substantial business and other activities in Florida; and
- e. Voluntarily qualifying to conduct business in this state by registering with the Florida Department of State and designating a resident agent for service of process in Florida.

30. Defendant Rinehart is a Florida corporation authorized to do business and doing business in Seminole County, Florida, and is a current owner of portions and/or parcels of the Contaminated Site.

31. Defendant General Dynamics, was and is a Delaware Corporation which, at all times material hereto, was authorized to do, and doing, business in Florida and was in the business through various operating subsidiaries and affiliates.

32. Defendant General Dynamics, submitted itself to the jurisdiction of this Honorable Court by doing, personally or through its agents, at all times material to this cause of action, the following acts:

- a. Committing a tortious act within this state by manufacturing products using dangerous chemicals, which is the subject of this complaint;
  - b. Hiring employees within the State of Florida and paying those employees within the State of Florida;
  - c. Purposefully availing itself of the laws and protections of the State of Florida;
  - d. Conducting and engaging in substantial business and other activities in Florida including, but not limited to, manufacturing, electronic circuit boards in Florida, marketing its goods and services within the State of Florida, and entering into contracts within the State of Florida;
  - e. The acts or omissions of Defendant, General Dynamics, caused injuries to persons in Florida, including Plaintiffs and the decedent. At or about the time of said injuries, Defendant, General Dynamics, maintained an office and operated the plant; and
  - f. Voluntarily qualifying to conduct business in this state by registering with the Florida Department of State and designating a resident agent for service of process in Florida.
33. Defendant General Dynamics Land, was and is a Delaware Corporation which, at all times material hereto, was authorized to do, and doing, business in Florida and was in the business through various operating subsidiaries and affiliates.
34. Defendant General Dynamics Land submitted itself to the jurisdiction of this Honorable Court by doing, personally or through its agents, at all times material to this cause of action, the following acts:
- a. Committing a tortious act within this state by manufacturing products using dangerous chemicals, which is the subject of this complaint;
  - b. Hiring employees within the State of Florida and paying those employees within the State of Florida;
  - c. Purposefully availing itself of the laws and protections of the State of

Florida;

- d. Conducting and engaging in substantial business and other activities in Florida including, but not limited to, manufacturing, electronic circuit boards in Florida, marketing its goods and services within the State of Florida, and entering into contracts within the State of Florida;
  - e. The acts or omissions of Defendant General Dynamics caused injuries to persons in Florida, including Plaintiffs and Decedents. At or about the time of said injuries, Defendant General Dynamics maintained an office and operated the plant; and
  - f. Voluntarily qualifying to conduct business in this state by registering with the Florida Department of State and designating a resident agent for service of process in Florida.
35. Defendant United Technologies, (which was also formerly known as CTU-SCC, Inc.) was and is a Delaware Corporation which, at all times material hereto, was authorized to do, and doing, business in Florida and was in the business through various operating subsidiaries and affiliates.
36. Defendant United Technologies acquired the Contaminated Site, or portions thereof on or about July 23, 1982.
37. Defendant United Technologies, submitted itself to the jurisdiction of this Honorable Court by doing, personally or through its agents, at all times material to this cause of action, the following acts:
- a. Committing a tortious act within this state by manufacturing products using dangerous chemicals, which is the subject of this complaint;
  - b. Hiring employees within the State of Florida and paying those employees

within the State of Florida;

- c. Purposefully availing itself of the laws and protections of the State of Florida;
  - d. Conducting and engaging in substantial business and other activities in Florida including, but not limited to, manufacturing, electronic circuit boards in Florida, marketing its goods and services within the State of Florida, and entering into contracts within the State of Florida;
  - e. The acts or omissions of Defendant United Technologies caused injuries to persons in Florida, including Plaintiffs and the decedent. At or about the time of said injuries, Defendant United Technologies maintained an office and operated the plant; and
  - f. Voluntarily qualifying to conduct business in this state by registering with the Florida Department of State and designating a resident agent for service of process in Florida.
38. Defendant Chemical Conservation, was and is incorporated in the State of Florida, with its principal place of business in Florida, and at all times material hereto conducted its business through various operating subsidiaries and affiliates.
39. Defendant Chemical Conservation, submitted itself to the jurisdiction of this Honorable Court, by doing, personally or through its agents, at all times material to this cause of action, the following acts:
- a. Hiring employees within the State of Florida and paying those employees within the State of Florida;
  - b. Purposefully availing itself of the laws and protections of the State of Florida;
  - c. Conducting and engaging in substantial business and other activities in Florida, including, but not limited to picking up and transporting wastes generated by the toxic chemicals, pollutants and hazardous substances

utilized at the Plant;

- d. The acts or omissions of Defendant Chemical Conservation caused injuries to persons in Florida, including Plaintiffs and the decedent; and
- e. Voluntarily qualifying to conduct business in this state by registering with the Florida Department of State and designating a resident agent for service of process in Florida.

40. The cause of action alleged herein accrued in Seminole County, Florida.

#### **FACTS GIVING RISE TO PLAINTIFFS' AND THE DECEDENT'S CLAIMS**

- 41. At times material herein, a manufacturing facility and a waste water treatment plant (hereinafter collectively referred to as "the Plant") were located on the Contaminated Site. The waste water treatment plant, which included two water reservoirs, was utilized for the disposal of water utilized at the Plant. The Plant constituted a facility within the meaning of §376.301, Fla. Stat.
- 42. At times material herein, water wells were also located on the Contaminated Site which supplied water utilized by the Plant in various ways, including as a source of drinking water, for use in food preparation, for washing facilities, and for use in manufacturing processes and functions.
- 43. At times material herein, the land, premises, and waters at the Contaminated Site were subjected, in violation of Chapter 376 of the Florida Statutes, to ongoing discharges, spills and escapes of pollutants, hazardous substances, and toxic chemicals, including but not limited to Trichloroethylene (hereinafter "TCE"), Trichloethane & Secondary Butyl Alcohol, 1,1,1Trichlorethane ("TCA"),

Dichloroethylene (hereinafter “DCE”), Dichlorodifluoromethane, Freon (TMS), Freon TF, Chlorofluorocarbon, Conap #1132 Polyester Conformal Coating Toluene, Conformal Coating-(Conap) #1132, and Fluorocarbon. Said pollutants, hazardous substances, and toxic chemicals were dumped and/or discharged on and around the Contaminated Site.

44. At times material herein, hazardous waste was improperly stored at the Contaminated Site in violation of federal and state environmental laws and in ways which caused further contamination of the land, premises, water, and ground water at and around the Contaminated Site with hazardous pollutants and toxic chemicals, including 1,1,2,2- Tetrachloroethane, Benzene, Ethylbenzene, Toluene, Xylene M-Tert-Butylether, 1,1-Dichloroethane, Bis(2-ethylhexyl)-phthalate, and volatile organic compounds, TCE, TCA and DCE. TCE, TCA and DCE are known carcinogens, and harmful and inherently dangerous to humans.
45. At times material herein, the ongoing discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals at the Contaminated Site resulted in the presence of such hazardous substances, pollutants, and toxic chemicals in levels hazardous to human health and safety, such that persons who were present at the Contaminated Site, including Plaintiffs and the decedent, were exposed to levels of toxic and hazardous substances capable of causing serious adverse health effects, including cancer.

46. At times material hereto, Plaintiff Ryan Venuti, a minor, was exposed in utero to levels of toxic and hazardous substances capable of causing serious adverse health effects. Indeed, Plaintiff Kathleen Venuti was pregnant with her now minor son, Plaintiff Ryan Venuti, a minor, while she was working at the Contaminated Site. At such time, ongoing discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals were occurring at the Contaminated Site which resulted in the presence of such hazardous substances, pollutants, and toxic chemicals in levels hazardous to human health and safety, and thereby Plaintiff Ryan Venuti's in utero exposure.
47. At times material hereto, Plaintiff Kristen Venuti, a minor, was exposed in utero to levels of toxic and hazardous substances capable of causing serious adverse health effects. Indeed, Plaintiff Kathleen Venuti was pregnant with her now minor daughter, Plaintiff Kristen Venuti, a minor, while she was working at the Contaminated Site. At such time, ongoing discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals were occurring at the Contaminated Site which resulted in the presence of such hazardous substances, pollutants, and toxic chemicals in levels hazardous to human health and safety, and thereby Plaintiff Kristen Venuti's in utero exposure.
48. At times material hereto, Plaintiff Jessica Ritz, was exposed in utero to levels of toxic and hazardous substances capable of causing serious adverse health effects. Indeed, Plaintiff, Deborah Ritz<sup>1</sup> was pregnant with her daughter, Plaintiff Jessica

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<sup>1</sup>Deborah Ritz is a Plaintiff in a companion case, *Bennett, et al v. Siemens*

Ritz while she was working at the Contaminated Site. At such time, ongoing discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals were occurring at the Contaminated Site which resulted in the presence of such hazardous substances, pollutants, and toxic chemicals in levels hazardous to human health and safety, and thereby Plaintiff Jessica Ritz's in utero exposure.

49. As a direct and proximate result of the improper disposal and/or discharge of the various toxic chemicals, pollutants and hazardous materials at the Contaminated Site as set forth above, the Plant, land, water, premises, and groundwater at the Contaminated Site became contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. and highly hazardous to human health.
50. At times material herein, Plaintiffs and the decedent were exposed to excessive levels of hazardous substances, pollutants, and toxic chemicals at the Contaminated Site, as a direct and proximate result of which Plaintiffs and the decedent sustained severe bodily injuries and illnesses, including contraction of cancer.
51. At times material herein, Plaintiff Ryan Venuti, a minor, was exposed in utero to excessive levels of hazardous substances, and toxic chemicals while his mother, Plaintiff, Kathleen Venuti, worked at the Contaminated Site, and as a direct and proximate result of which Plaintiff Ryan Venuti, a minor, sustained severe bodily injuries and illnesses.

52. At times material herein, Plaintiff Kristen Venuti, a minor, was exposed in utero to excessive levels of hazardous substances, and toxic chemicals while her mother, Plaintiff Kathleen Venuti worked at the Contaminated Site, and as a direct and proximate result of which Plaintiff Kristen Venuti, a minor, sustained severe bodily injuries and illnesses.
53. At times material herein, Plaintiff, Jessica Ritz, was exposed in utero to excessive levels of hazardous substances, and toxic chemicals while her mother, Plaintiff Deborah Ritz, worked at the Contaminated Site, and as a direct and proximate result of which Plaintiff, Jessica Ritz sustained severe bodily injuries and illnesses.
54. At times material hereto, Defendant Siemens owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility.
55. At times material hereto when Defendant Siemens owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals occurred resulting in the presence of such hazardous substances, pollutants, and toxic chemicals in levels hazardous to human health and safety.
56. At times material herein, when Defendant Siemens owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, if the barrels containing various toxic chemicals, including but not limited to those identified in this Complaint, were full, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged TCE, TCA, Freon and other chemicals down water drains at the Plant.

57. At times material herein, when Defendant Siemens owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were buried on the portions of the Contaminated Site.
58. At times material herein, when Defendant Siemens owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, buried barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were located on the portions of the Contaminated Site.
59. At times material herein, when Defendant Siemens owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged and/or improperly disposed of waste chemicals, including TCE, TCA, Freon and other chemicals by placing, pouring, dumping and/or discharging the waste and/or chemicals on the ground outside the Plant and allowing it to evaporate.
60. At times material hereto, Defendant Siemens Corp. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility.
61. At times material hereto when Defendant Siemens Corp. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals occurred resulting in the presence of such hazardous substances,

pollutants, and toxic chemicals in levels hazardous to human health and safety.

62. At times material herein, when Defendant Siemens Corp. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, if the barrels containing various toxic chemicals, including but not limited to those identified in this Complaint, were full, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged TCE, Freon and other chemicals down water drains at the Plant.
63. At times material herein, when Defendant Siemens Corp. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were buried on the portions of the Contaminated Site.
64. At times material herein, when Defendant Siemens Corp. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, buried barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were located on the portions of the Contaminated Site.
65. At times material herein, when Defendant Siemens Corp. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged and/or improperly disposed of waste chemicals, including TCE, TCA, Freon and other chemicals by placing, pouring, dumping and/or discharging the waste and/or chemicals on the ground outside the Plant and allowing it to evaporate.

66. At times material hereto, Defendant Siemens R.E. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility.
67. At times material hereto when Defendant Siemens R.E. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals occurred resulting in the presence of such hazardous substances, pollutants, and toxic chemicals in levels hazardous to human health and safety.
68. At times material herein, when Defendant Siemens R.E. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, if the barrels containing various toxic chemicals, including but not limited to those identified in this Complaint, were full, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged TCE, Freon and other chemicals down water drains at the Plant.
69. At times material herein, when Defendant Siemens R.E. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were buried on the portions of the Contaminated Site.
70. At times material herein, when Defendant Siemens R.E. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, buried barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were located on the portions of the Contaminated Site.

71. At times material herein, when Defendant Siemens R.E. owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged and/or improperly disposed of waste chemicals, including TCE, TCA, Freon and other chemicals by placing, pouring, dumping and/or discharging the waste and/or chemicals on the ground outside the Plant and allowing it to evaporate.
72. At times material hereto, Defendant Moni (or its predecessors in interest including Stromberg-Carlson Corporation) owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility.
73. At times material hereto when Defendant Moni owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals occurred resulting in the presence of such hazardous substances, pollutants, and toxic chemicals in levels hazardous to human health and safety.
74. At times material herein, when Defendant Moni (or its predecessors in interest including Stromberg-Carlson Corporation) owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, if the barrels containing various toxic chemicals, including but not limited to those identified in this Complaint, were full, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged TCE, Freon and other chemicals down water drains at the Plant.

75. At times material herein, when Defendant Moni (or its predecessors in interest including Stromberg-Carlson Corporation) owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were buried on the portions of the Contaminated Site.
76. At times material herein, when Defendant Moni (or its predecessors in interest including Stromberg-Carlson Corporation) owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, buried barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were located on the portions of the Contaminated Site.
77. At times material herein, when Defendant Moni (or its predecessors in interest including Stromberg-Carlson Corporation) owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged and/or improperly disposed of waste chemicals, including TCE, TCA, Freon and other chemicals by placing, pouring, dumping and/or discharging the waste and/or chemicals on the ground outside the Plant and allowing it to evaporate. (See attached Exhibit B - a copy of the complaint filed in *Moni Holdings, LLC v. The Dow Company, et al*, in the Circuit Court in and For the Eighteenth Judicial Circuit in and for Seminole County, Case No.: 06-CA-1869-10-L).
78. At times material hereto, Defendant General Dynamics owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility.

79. At times material hereto when Defendant General Dynamics owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals occurred resulting in the presence of such hazardous substances, pollutants, and toxic chemicals in levels hazardous to human health and safety.
80. At times material herein, when Defendant General Dynamics owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, if the barrels containing various toxic chemicals, including but not limited to those identified in this Complaint, were full, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged TCE, Freon and other chemicals down water drains at the Plant.
81. At times material herein, when Defendant General Dynamics owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were buried on the portions of the Contaminated Site.
82. At times material herein, when Defendant General Dynamics owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, buried barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were located on the portions of the Contaminated Site.
83. At times material herein, when Defendant General Dynamics owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, the employees working at the Plant and/or at the Contaminated Site, dumped and/or

improperly discharged and/or improperly disposed of waste chemicals, including TCE, TCA, Freon and other chemicals by placing, pouring, dumping and/or discharging the waste and/or chemicals on the ground outside the Plant and allowing it to evaporate.(See Attached Exhibit B).

84. At times material hereto, Defendant General Dynamics Land owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility.
85. At times material hereto when Defendant General Dynamics Land owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals occurred resulting in the presence of such hazardous substances, pollutants, and toxic chemicals in levels hazardous to human health and safety.
86. At times material herein, when Defendant General Dynamics Land owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, if the barrels containing various toxic chemicals, including but not limited to those identified in this Complaint, were full, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged TCE, TCA, Freon and other chemicals down water drains at the Plant.
87. At times material herein, when Defendant General Dynamics Land owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were buried on the portions of the Contaminated Site.
88. At times material herein, when Defendant General Dynamics Land owned portions

of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, buried barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were located on the portions of the Contaminated Site.

89. At times material herein, when Defendant General Dynamics Land owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged and/or improperly disposed of waste chemicals, including TCE, TCA, Freon and other chemicals by placing, pouring, dumping and/or discharging the waste and/or chemicals on the ground outside the Plant and allowing it to evaporate. (See attached Exhibit B).
90. At times material hereto, Defendant United Technologies owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility.
91. At times material hereto when Defendant United Technologies owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, discharges, spills, and escapes of hazardous substances, pollutants, and toxic chemicals occurred resulting in the presence of such hazardous substances, pollutants, and toxic chemicals in levels hazardous to human health and safety.
92. At times material herein, when Defendant United Technologies owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, if the barrels containing various toxic chemicals, including but not limited to those identified in this Complaint, were full, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged TCE, Freon

and other chemicals down water drains at the Plant.

93. At times material herein, when Defendant United Technologies owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were buried on the portions of the Contaminated Site.
94. At times material herein, when Defendant United Technologies owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, buried barrels containing toxic chemicals, including but not limited to those identified in this Complaint, were located on the portions of the Contaminated Site.
95. At times material herein, when Defendant United Technologies owned portions of the Contaminated Site and/or operated the Plant and/or the wastewater treatment facility, the employees working at the Plant and/or at the Contaminated Site, dumped and/or improperly discharged and/or improperly disposed of waste chemicals, including TCE, TCA, Freon and other chemicals by placing, pouring, dumping and/or discharging the waste and/or chemicals on the ground outside the Plant and allowing it to evaporate. (See attached Exhibit B).
96. At and prior to the time that Defendant Siemens purchased the Contaminated Site or portions thereof, Defendant Siemens knew that the Contaminated Site was contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. Defendant Siemens had actual or constructive knowledge of said contamination at and prior to the time of said Defendant's purchase through its means and obligations of pre-purchase due diligence, through public availability

of governmental filings, orders and consent orders with respect to the Contaminated Site, and through its access to numerous available sources in the business of providing pre-acquisition environmental audits and environmental insurance products.

97. At and prior to the time that Defendant Siemens Corp. purchased the Contaminated Site or portions thereof, Defendant Siemens Corp. knew that the Contaminated Site was contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. Defendant Siemens Corp. had actual or constructive knowledge of said contamination at and prior to the time of said Defendant's purchase through its means and obligations of pre-purchase due diligence, through public availability of governmental filings and orders with respect to the Contaminated Site, and through its access to numerous available sources in the business of providing pre-acquisition environmental audits and environmental insurance products.

98. At and prior to the time that Defendant Siemens R.E. purchased the Contaminated Site or portions thereof, Defendant Siemens R.E. knew that the Contaminated Site was contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. Defendant Siemens R.E. had actual or constructive knowledge of said contamination at and prior to the time of said Defendant's purchase through its means and obligations of pre-purchase due diligence, through public availability of governmental filings and orders with respect to the Contaminated Site, and through its access to numerous available sources in the

business of providing pre-acquisition environmental audits and environmental insurance products.

99. At and prior to the time that Defendant Moni (or its predecessors in interest including Stromberg-Carlson Corporation) purchased the Contaminated Site or portions thereof, Defendant Moni (or its predecessors in interest including Stromberg-Carlson Corporation) knew that the Contaminated Site was contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. Defendant Moni (or its predecessors in interest including Stromberg-Carlson Corporation) had actual or constructive knowledge of said contamination at and prior to the time of said Defendant's purchase through its means and obligations of pre-purchase due diligence, through public availability of governmental filings and orders with respect to the Contaminated Site, and through its access to numerous available sources in the business of providing pre-acquisition environmental audits and environmental insurance products.
100. At and prior to the time that Defendant General Dynamics Land purchased the Contaminated Site or portions thereof, Defendant General Dynamics Land knew that the Contaminated Site was contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. Defendant General Dynamics Land had actual or constructive knowledge of said contamination at and prior to the time of said Defendant's purchase through its means and obligations of pre-purchase due diligence, through public availability of governmental filings and orders with respect to the Contaminated Site, and through its access to numerous available

sources in the business of providing pre-acquisition environmental audits and environmental insurance products.

101. At and prior to the time that Defendant United Technologies purchased the Contaminated Site or portions thereof, Defendant United Technologies knew that the Contaminated Site was contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. Defendant United Technologies had actual or constructive knowledge of said contamination at and prior to the time of said Defendant's purchase through, including but not limited to, its means and obligations of pre-purchase due diligence, and through its access to numerous available sources in the business of providing pre-acquisition environmental audits and environmental insurance products.
102. At and prior to the time that Defendant Crescent Resources, LLC purchased the properties it now owns at the Contaminated Site, Defendant Crescent Resources, LLC knew that the Contaminated Site was contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. Defendant Crescent Resources, LLC had actual or constructive knowledge of said contamination at and prior to the time of said Defendant's purchase through its means and obligations of pre-purchase due diligence, through public availability of governmental filings, orders and consent orders with respect to the Contaminated Site, and through its access to numerous available sources in the business of providing pre-acquisition environmental audits and environmental insurance products.
103. At and prior to the time that Defendant Rinehart Development & Investment Group,

LLC purchased the properties it now owns at the Contaminated Site, Defendant Rinehart Development & Investment Group, LLC knew that the Contaminated Site was contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. Defendant Rinehart had actual or constructive knowledge of said contamination at and prior to the time of said Defendant's purchase through its means and obligations of pre-purchase due diligence, through public availability of governmental filings and orders with respect to the Contaminated Site, and through its access to numerous available sources in the business of providing pre-acquisition environmental audits and environmental insurance products.

**COUNT I**  
**PLAINTIFFS' AND THE DECEDENT'S CLAIMS UNDER CHAPTER 376 OF THE**  
**FLORIDA STATUTES AGAINST DEFENDANT SIEMENS**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103 hereof as if fully set forth herein, and further allege the following:

104. The toxic chemicals, pollutants and hazardous substances present on the properties at the time they were owned by Defendant Siemens at the Contaminated Site were pollutants and hazardous substances within the meaning of Chapter 376 of the Florida Statutes.
105. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant Siemens at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat which occurred while Defendant Siemens owned the Contaminated Site or portions thereof.
106. The toxic chemicals, pollutants and hazardous substances present on the properties

owned by Defendant Siemens at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat which occurred while Defendant Siemens operated the Plant and/or the wastewater treatment facility.

107. The properties owned by Defendant Siemens at the Contaminated Site were contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. while Defendant Siemens owned the Contaminated Site or portions thereof. The discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. were highly hazardous to human health.
108. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
109. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. at the Contaminated Site, Plaintiff GLENDA HOWINGTON sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

110. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. at the Contaminated Site, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and funeral expenses due to the decedent's injury and death that have become a charge against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes section 768.21.

111. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment,

disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

112. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

113. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred while Siemens operated the Plant and/or the wastewater treatment plant, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries

are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

114. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
115. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
116. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered

by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff, Deborah Ritz, was exposed when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff JESSICA RITZ. Plaintiff JESSICA RITZ sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

117. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff CHERYL SHAVER sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

118. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff PAULA SHREVE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the

enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

119. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff CATHERINE SMITH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

120. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff JEWEL WRIGHT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

121. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff BERNICE ABBOTT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
122. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff KATHLEEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
123. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff KENNETH VENUTI sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

124. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which his mother, Plaintiff KATHLEEN VENUTI was exposed when working at the Contaminated Site while she was pregnant with her son, Plaintiff RYAN VENUTI. Plaintiff RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

125. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff, KATHLEEN VENUTI was exposed when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff KATHLEEN VENUTI. Plaintiff KRISTEN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE Plaintiffs and the Decedent demand judgment against Defendant Siemens for compensatory damages, costs, attorney's fees, expert witness fees, and interest, and also pray for such other and further relief as this Court may deem just and proper.

**COUNT II**  
**PLAINTIFFS' AND THE DECEDENT'S CLAIMS UNDER CHAPTER 376 OF THE**  
**FLORIDA STATUTES AGAINST DEFENDANT SIEMENS CORP.**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103 hereof as if fully set forth herein, and further allege the following:

126. The toxic chemicals, pollutants and hazardous substances present on the properties at the time they were owned by Defendant Siemens Corp. at the Contaminated Site were pollutants and hazardous substances within the meaning of Chapter 376 of the Florida Statutes.
127. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant Siemens Corp. at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat which occurred while Defendant Siemens Corp. owned the Contaminated Site or portions thereof.

128. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant Siemens Corp. at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat which occurred while Defendant Siemens Corp. operated the Plant and/or the wastewater treatment facility located on the Contaminated Site.
129. The properties owned by Defendant Siemens Corp. at the Contaminated Site were contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. while Defendant Siemens Corp. owned the Contaminated Site or portions thereof. The discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. were highly hazardous to human health.
130. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. Present at the Contaminated Site and/or portions thereof, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
131. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff

GLEND A HOWINGTON sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

132. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. at the Contaminated Site, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
133. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-

existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

134. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and funeral expenses due to the decedent's injury and death that have become a charge against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes section 768.21.
135. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-

existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

136. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
137. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
138. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered

by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff, Deborah Ritz, was exposed when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff JESSICA RITZ. JESSICA RITZ, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

139. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff CHERYL SHAVER sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

140. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff PAULA SHREVE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the

enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

141. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff CATHERINE SMITH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

142. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff JEWEL WRIGHT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

143. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff BERNICE ABBOTT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
144. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff, KATHLEEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
145. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the contaminated site, Plaintiff KENNETH VENUTI sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

146. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which his mother, Plaintiff KATHLEEN VENUTI was exposed to when working at the Contaminated Site while she was pregnant with her son, Plaintiff RYAN VENUTI. Plaintiff RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

147. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff KATHLEEN VENUTI was exposed when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff, KRISTEN VENUTI. Plaintiff KRISTEN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE Plaintiffs and the Decedent demand judgment against Defendant Siemens Corp. for compensatory damages, costs, attorney's fees, expert witness fees, and interest, and also pray for such other and further relief as this Court may deem just and proper.

**COUNT III**  
**PLAINTIFFS' AND THE DECEDENT'S CLAIMS UNDER CHAPTER 376 OF THE**  
**FLORIDA STATUTES AGAINST DEFENDANT SIEMENS R.E.**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103 hereof as if fully set forth herein, and further allege the following:

148. The toxic chemicals, pollutants and hazardous substances present on the properties at the time they were owned by Defendant Siemens R.E. at the Contaminated Site were pollutants and hazardous substances within the meaning of Chapter 376 of the Florida Statutes.
149. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant Siemens R.E. at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat which occurred while Defendant Siemens R.E. owned the Contaminated Site or portions thereof.

150. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant Siemens R.E. at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat which occurred while Defendant Siemens R.E. operated the Plant and/or the wastewater treatment facility located on the Contaminated Site.
151. The properties owned by Defendant Siemens R.E. at the Contaminated Site were contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. while Defendant Siemens R.E. owned the Contaminated Site or portions thereof. The discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. were highly hazardous to human health.
152. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
153. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. at the Contaminated Site, Plaintiff GLENDA

HOWINGTON sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

154. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
155. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and

funeral expenses due to the decedent's injury and death that have become a charge against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes section 768.21.

156. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
157. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-

existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

158. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

159. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

160. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered

by §§376.30-376.319, Fla. Stat. to which her mother, Deborah Ritz was exposed when working at the Contaminated Site while pregnant with her daughter, Plaintiff, JESSICA RITZ. Plaintiff JESSICA RITZ sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

161. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CHERYL SHAVER sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

162. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PAULA SHREVE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the

enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

163. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CATHERINE SMITH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

164. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff JEWEL WRIGHT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

165. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff BERNICE ABBOTT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
166. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KATHLEEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
167. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KENNETH VENUTI sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

168. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which his mother, Plaintiff KATHLEEN VENUTI was exposed to when working at the Contaminated Site while she was pregnant with her son, Plaintiff, RYAN VENUTI. Plaintiff RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

169. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff, KATHLEEN VENUTI was exposed to when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff, KRISTEN VENUTI. Plaintiff KRISTEN VENUTI a minor, sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE Plaintiffs and the Decedent demand judgment against Defendant Siemens R.E. for compensatory damages, costs, attorney's fees, expert witness fees, and interest, and also pray for such other and further relief as this Court may deem just and proper.

**COUNT IV**  
**PLAINTIFFS' AND THE DECEDENT'S CLAIMS UNDER CHAPTER 376 OF THE**  
**FLORIDA STATUTES AGAINST DEFENDANT MONI**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103 hereof as if fully set forth herein, and further allege the following:

170. The toxic chemicals, pollutants and hazardous substances present on the properties at the time they were owned by Defendant Moni (or its predecessors in interest including Stromberg-Carlson Corporation) at the Contaminated Site were pollutants and hazardous substances within the meaning of Chapter 376 of the Florida Statutes.
171. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant Moni at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat. which occurred while Defendant Moni owned the Contaminated Site or portions thereof.
172. The toxic chemicals, pollutants and hazardous substances present on the properties

owned by Defendant Moni at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat which occurred while Defendant Moni operated the Plant and/or the wastewater treatment facility located on the Contaminated Site.

173. The properties owned by Defendant Moni at the Contaminated Site were contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. while Defendant Moni owned the Contaminated Site or portions thereof. The discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. were highly hazardous to human health.
174. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
175. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. at the Contaminated Site, Plaintiff GLENDA HOWINGTON sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

176. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

177. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and funeral expenses due to the decedent's injury and death that have become a charge

against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes section 768.21.

178. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
179. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which

Plaintiff will continue to suffer losses in the future.

180. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
181. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
182. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Deborah Ritz was exposed

when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff JESSICA RITZ. Plaintiff JESSICA RITZ sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

183. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CHERYL SHAVER sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

184. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PAULA SHREVE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and

treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

185. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CATHERINE SMITH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
186. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff JEWEL WRIGHT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
187. As a direct and proximate result of the contamination of toxic chemicals, pollutants

and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff BERNICE ABBOTT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

188. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KATHLEEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

189. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KENNETH VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the

enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

190. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which his mother, Plaintiff, KATHLEEN VENUTI was exposed when working at the Contaminated Site while she was pregnant with her son, Plaintiff RYAN VENUTI. Plaintiff RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

191. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff KATHLEEN VENUTI was exposed when she was working at the Contaminated Site while she was pregnant with her daughter, Plaintiff, KRISTEN VENUTI. Plaintiff KRISTEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life,

expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE Plaintiffs and the decedent demand judgment against Defendant Moni for compensatory damages, costs, attorney's fees, expert witness fees, and interest, and also pray for such other and further relief as this Court may deem just and proper.

**COUNT V**  
**PLAINTIFFS' AND THE DECEDENT'S CLAIMS UNDER CHAPTER 376 OF THE**  
**FLORIDA STATUTES AGAINST DEFENDANT CRESCENT RESOURCES**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103 hereof as if fully set forth herein, and further allege the following:

192. The toxic chemicals, pollutants and hazardous substances present on the properties at the time they were purchased and now owned by Defendant Crescent Resources at the Contaminated Site were pollutants and hazardous substances within the meaning of Chapter 376 of the Florida Statutes.
193. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant Crescent Resources at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat. Some of which may have occurred while Defendant Crescent Resources owned the Contaminated Site or portions thereof.

194. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant Crescent Resources at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat.
195. The properties owned by Defendant Crescent Resources at the Contaminated Site were contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. some of which occurred while Defendant Crescent Resources owned the Contaminated Site or portions thereof. The discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. were highly hazardous to human health.
196. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
197. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. at the Contaminated Site, Plaintiff GLENDA HOWINGTON sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

198. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

199. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and funeral expenses due to the decedent's injury and death that have become a charge

against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes section 768.21.

200. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
201. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which

Plaintiff will continue to suffer losses in the future.

202. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

203. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

204. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff, Deborah Ritz, was

exposed when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff JESSICA RITZ. Plaintiff JESSICA RITZ sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

205. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CHERYL SHAVER sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

206. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PAULA SHREVE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and

treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

207. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CATHERINE SMITH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
208. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff JEWEL WRIGHT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
209. As a direct and proximate result of the contamination of toxic chemicals, pollutants

and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff BERNICE ABBOTT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

210. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KATHLEEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

211. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KENNETH VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the

enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

212. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which his mother, Plaintiff, KATHLEEN VENUTI was exposed when working at the Contaminated Site while she was pregnant with her son, Plaintiff RYAN VENUTI. Plaintiff, RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

213. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff KATHLEEN VENUTI was exposed when she was working at the Contaminated Site while she was pregnant with her daughter, Plaintiff KRISTEN VENUTI. Plaintiff KRISTEN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the

enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE Plaintiffs and the decedent demand judgment against Defendant Crescent Resources for compensatory damages, costs, attorney's fees, expert witness fees, and interest, and also pray for such other and further relief as this Court may deem just and proper.

**COUNT VI  
PLAINTIFFS' AND THE DECEDENT'S CLAIMS UNDER CHAPTER 376 OF THE  
FLORIDA STATUTES AGAINST RINEHART**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103 hereof as if fully set forth herein, and further allege the following:

214. The toxic chemicals, pollutants and hazardous substances present on the properties purchased and now owned by Defendant Rinehart at the Contaminated Site were pollutants and hazardous substances within the meaning of Chapter 376 of the Florida Statutes.
215. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant Rinehart at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat.
216. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant Rinehart at the Contaminated Site were the result of discharges

and other conditions of pollution covered by §§376.30-376.319, Fla. Stat.

217. The properties owned by Defendant Rinehart at the Contaminated Site were contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. The discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. were highly hazardous to human health.
218. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
219. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. at the Contaminated Site, Plaintiff GLENDA HOWINGTON sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which

Plaintiff will continue to suffer losses in the future.

220. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

221. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and funeral expenses due to the decedent's injury and death that have become a charge against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes

section 768.21.

222. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
223. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
224. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff

PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

225. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

226. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff, Deborah Ritz, was exposed when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff JESSICA RITZ. Plaintiff JESSICA RITZ sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization,

medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

227. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CHERYL SHAVER sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

228. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PAULA SHREVE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

229. As a direct and proximate result of the contamination of toxic chemicals, pollutants

and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CATHERINE SMITH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

230. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff JEWEL WRIGHT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

231. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff BERNICE ABBOTT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the

enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

232. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KATHLEEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

233. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KENNETH VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

234. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which his mother, Plaintiff, KATHLEEN VENUTI was exposed when she was working at the Contaminated Site while she was pregnant with her son, Plaintiff RYAN VENUTI. Plaintiff, RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
235. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff KATHLEEN VENUTI was exposed when she was working at the Contaminated Site while she was pregnant with her daughter, Plaintiff KRISTEN VENUTI. Plaintiff KRISTEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE Plaintiffs and the decedent demand judgment against Defendant Rinehart for compensatory damages, costs, attorney's fees, expert witness fees, and interest, and also pray for such other and further relief as this Court may deem just and proper.

**COUNT VII**  
**PLAINTIFFS' AND THE DECEDENT'S CLAIMS UNDER CHAPTER 376 OF THE**  
**FLORIDA STATUTES AGAINST DEFENDANT GENERAL DYNAMICS**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103 hereof as if fully set forth herein, and further allege the following:

236. The toxic chemicals, pollutants and hazardous substances present on the properties at the time they were owned by Defendant General Dynamics at the Contaminated Site were pollutants and hazardous substances within the meaning of Chapter 376 of the Florida Statutes.
237. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant General Dynamics at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat. which occurred while Defendant General Dynamics owned the Contaminated Site or portions thereof.
238. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant General Dynamics at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat. which occurred while Defendant General Dynamics operated the Plant and/or the wastewater treatment facility located on the Contaminated Site.
239. The properties owned by Defendant General Dynamics at the Contaminated Site

were contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. while Defendant General Dynamics owned the Contaminated Site or portions thereof. The discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. were highly hazardous to human health.

240. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

241. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. at the Contaminated Site, Plaintiff GLENDA HOWINGTON sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

242. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
243. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and funeral expenses due to the decedent's injury and death that have become a charge against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes section 768.21.

244. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
245. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
246. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and

suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

247. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

248. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Deborah Ritz was exposed when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff JESSICA RITZ. Plaintiff JESSICA RITZ sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and

aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

249. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CHERYL SHAVER sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
250. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PAULA SHREVE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
251. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered

by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CATHERINE SMITH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

252. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff JEWEL WRIGHT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

253. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff BERNICE ABBOTT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and

treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

254. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KATHLEEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

255. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KENNETH VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

256. As a direct and proximate result of the contamination of toxic chemicals, pollutants

and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which his mother, Plaintiff, KATHLEEN VENUTI was exposed when working at the Contaminated Site while she was pregnant with her son, Plaintiff RYAN VENUTI. Plaintiff RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

257. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff KATHLEEN VENUTI was exposed when she was working at the Contaminated Site while she was pregnant with her daughter, Plaintiff, KRISTEN VENUTI. Plaintiff KRISTEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE Plaintiffs and the decedent demand judgment against Defendant General

Dynamics for compensatory damages, costs, attorney's fees, expert witness fees, and interest, and also pray for such other and further relief as this Court may deem just and proper.

**COUNT VIII**  
**PLAINTIFFS' AND DECEDENTS' CLAIMS UNDER CHAPTER 376 OF THE**  
**FLORIDA STATUTES AGAINST DEFENDANT GENERAL DYNAMICS LAND**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103 hereof as if fully set forth herein, and further allege the following:

258. The toxic chemicals, pollutants and hazardous substances present on the properties at the time they were owned by Defendant General Dynamics Land at the Contaminated Site were pollutants and hazardous substances within the meaning of Chapter 376 of the Florida Statutes.
259. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant General Dynamics Land at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat. which occurred while Defendant General Dynamics Land owned the Contaminated Site or portions thereof.
260. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant General Dynamics Land at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat which occurred while Defendant General Dynamics Land operated the Plant and/or the wastewater treatment facility located on the Contaminated Site.
261. The properties owned by Defendant General Dynamics Land at the Contaminated Site were contaminated from a discharge or other condition of pollution covered by

§§ 376.30-376.319, Fla. Stat. while Defendant General Dynamics Land owned the Contaminated Site or portions thereof. The discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. were highly hazardous to human health.

262. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

263. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. at the Contaminated Site, Plaintiff GLENDA HOWINGTON sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

264. As a direct and proximate result of the contamination of toxic chemicals, pollutants

and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

265. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and funeral expenses due to the decedent's injury and death that have become a charge against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes section 768.21.

266. As a direct and proximate result of the contamination of toxic chemicals, pollutants

and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

267. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

268. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for

the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

269. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

270. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Deborah Ritz was exposed when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff JESSICA RITZ. Plaintiff JESSICA RITZ sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as

a result of which Plaintiff will continue to suffer losses in the future.

271. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CHERYL SHAVER sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

272. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PAULA SHREVE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

273. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff

CATHERINE SMITH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

274. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff JEWEL WRIGHT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

275. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff BERNICE ABBOTT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-

existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

276. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KATHLEEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

277. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KENNETH VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

278. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered

by §§376.30-376.319, Fla. Stat. to which his mother, Plaintiff, KATHLEEN VENUTI was exposed when working at the Contaminated Site while she was pregnant with her son, Plaintiff RYAN VENUTI. Plaintiff RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

279. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff KATHLEEN VENUTI was exposed when she was working at the Contaminated Site while she was pregnant with her daughter, Plaintiff, KRISTEN VENUTI. Plaintiff KRISTEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE Plaintiffs and the decedent demand judgment against Defendant General Dynamics Land for compensatory damages, costs, attorney's fees, expert witness fees, and interest,

and also pray for such other and further relief as this Court may deem just and proper.

**COUNT IX**  
**PLAINTIFFS' AND DECEDENT'S CLAIMS UNDER CHAPTER 376 OF THE**  
**FLORIDA STATUTES AGAINST DEFENDANT UNITED TECHNOLOGIES**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103 hereof as if fully set forth herein, and further allege the following:

280. The toxic chemicals, pollutants and hazardous substances present on the properties at the time they were owned by Defendant United Technologies at the Contaminated Site were pollutants and hazardous substances within the meaning of Chapter 376 of the Florida Statutes.
281. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant United Technologies at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat. which occurred while Defendant United Technologies owned the Contaminated Site or portions thereof.
282. The toxic chemicals, pollutants and hazardous substances present on the properties owned by Defendant United Technologies at the Contaminated Site were the result of discharges and other conditions of pollution covered by §§376.30-376.319, Fla. Stat which occurred while Defendant United Technologies operated the Plant and/or the wastewater treatment facility located on the Contaminated Site.
283. The properties owned by Defendant United Technologies at the Contaminated Site were contaminated from a discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. while Defendant United Technologies owned the

Contaminated Site or portions thereof. The discharge or other condition of pollution covered by §§ 376.30-376.319, Fla. Stat. were highly hazardous to human health.

284. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

285. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. at the Contaminated Site, Plaintiff GLENDA HOWINGTON sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

286. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered

by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

287. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and funeral expenses due to the decedent's injury and death that have become a charge against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes section 768.21.

288. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered

by §§376.30-376.319, Fla. Stat. present at the Contaminated Site, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

289. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

290. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and

treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

291. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

292. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff Deborah Ritz was exposed when she was working at the Contaminated Site while she was pregnant with her daughter, Plaintiff, JESSICA RITZ. Plaintiff JESSICA RITZ sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in

the future.

293. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff CHERYL SHAVER sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
294. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff PAULA SHREVE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
295. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff

CATHERINE SMITH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

296. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff JEWEL WRIGHT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

297. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff BERNICE ABBOTT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-

existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

298. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KATHLEEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

299. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. that occurred at the Contaminated Site, Plaintiff KENNETH VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

300. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered

by §§376.30-376.319, Fla. Stat. to which his mother, Plaintiff, KATHLEEN VENUTI was exposed when she was working at the Contaminated Site while she was pregnant with her son, Plaintiff RYAN VENUTI. Plaintiff RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

301. As a direct and proximate result of the contamination of toxic chemicals, pollutants and hazardous substances from a discharge or other condition of pollution covered by §§376.30-376.319, Fla. Stat. to which her mother, Plaintiff, KATHLEEN VENUTI was exposed when she was working at the Contaminated Site while she was pregnant with her daughter, KRISTEN VENUTI. Plaintiff KRISTEN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE Plaintiffs and the decedent demand judgment against Defendant United Technologies for compensatory damages, costs, attorney's fees, expert witness fees, and interest, and

also pray for such other and further relief as this Court may deem just and proper.

**COUNT X**  
**NEGLIGENT FAILURE TO WARN - DEFENDANT, CHEMICAL CONSERVATION**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103 hereof as if fully set forth herein, and further allege the following:

302. Defendant Chemical Conservation, provided industrial waste management services for Defendants while they owned and operated the plant at the Contaminated Site.
303. In this capacity, Defendant Chemical Conservation failed to properly remove and/or dispose of the toxic waste from the toxic chemicals, pollutants and hazardous substances from the Contaminated Site so as to prevent discharges of toxic waste from the toxic chemicals, pollutants and hazardous substances from occurring at the Contaminated Site.
304. In this capacity, Chemical Conservation had a duty to warn Plaintiffs and the decedent of the dangers associated with the failure to properly dispose of the toxic waste from the toxic chemicals, pollutants and hazardous substances that were used by Defendants at the Plant.
305. Defendant Chemical Conservation breached this duty by failing to warn Plaintiffs and the decedent of the dangers associated with the failure to properly dispose of the toxic waste from the toxic chemicals, pollutants and hazardous substances that were used by Defendants at the Plant.
306. Defendant Chemical Conservation knew, or in the exercise of reasonable care, should have known of the dangers posed to Plaintiffs and the decedent from its failure to warn of the dangers and hazards associated with the improper disposal of

the toxic chemicals, pollutants and hazardous substances that were used by Defendants at the Plant.

307. Despite this knowledge, Chemical Conservation failed to warn Plaintiffs and the decedent of the risks, hazards and dangers associated with the improper disposal toxic chemicals, pollutants and hazardous substances that were used by Defendants at the Plant.
308. As a result, the negligence described above directly and or proximately caused Plaintiffs' and the decedent's exposure to the waste of the toxic chemicals, pollutants and hazardous substances in natural and continuous sequence produced or contributed substantially to the Plaintiffs' and the decedent's injuries.
309. As a result of the forgoing conduct of the Defendant, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
310. As a result of the forgoing conduct of the Defendant, Plaintiff GLENDA HOWINGTON sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-

existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

311. As a result of the forgoing conduct of the Defendant, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
312. As a result of the forgoing conduct of the Defendant, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and funeral expenses due to the decedent's injury and death that have become a charge against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes section 768.21.
313. As a result of the forgoing conduct of the Defendant, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability,

disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

314. As a result of the forgoing conduct of the Defendant, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

315. As a result of the forgoing conduct of the Defendant, Plaintiff PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

316. As a result of the forgoing conduct of the Defendant, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life,

expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

317. As a result of the forgoing conduct of the Defendant, Plaintiff, Deborah Ritz was exposed to hazardous and toxic chemicals while working at the Contaminated Site when pregnant with her daughter, Plaintiff, JESSICA RITZ. Plaintiff, JESSICA RITZ sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

318. As a result of the forgoing conduct of the Defendant, Plaintiff, CHERYL SHAVER, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

319. As a result of the forgoing conduct of the Defendant, Plaintiff, PAULA SHREVE, sustained bodily injuries and resulting pain and suffering, impairment, disability,

disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

320. As a result of the forgoing conduct of the Defendant, Plaintiff, CATHERINE SMITH, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

321. As a result of the forgoing conduct of the Defendant, Plaintiff, JEWEL WRIGHT, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

322. As a result of the forgoing conduct of the Defendant, Plaintiff, BERNICE ABBOTT, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of

hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

323. As a result of the forgoing conduct of the Defendant, Plaintiff, KATHLEEN VENUTI, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

324. As a result of the forgoing conduct of the Defendant, Plaintiff, KENNETH VENUTI, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

325. As a result of the forgoing conduct of the Defendant, Plaintiff, KATHLEEN VENUTI was exposed to toxic and hazardous chemicals when working at the Contaminated Site while pregnant with her son, Plaintiff, RYAN VENUTI. Plaintiff, RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

326. As a result of the forgoing conduct of the Defendant, Plaintiff, KATHLEEN VENUTI was exposed to toxic and hazardous chemicals when working at the Contaminated Site while pregnant with her daughter, Plaintiff, KRISTEN VENUTI. Plaintiff, KRISTEN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE, Plaintiffs and the decedent demand judgment against Defendant, Chemical Conservation, for compensatory damages, and costs and for such other and further relief as to the Court seems just and proper, and for a trial by jury on all issues so triable as a matter of right.

**COUNT XI**  
**NEGLIGENCE OF DEFENDANT, CHEMICAL CONSERVATION**

Plaintiffs and the decedent adopt and reallege Paragraphs 1 through 103, and 302 through 326, hereof as if fully set forth herein, and further allege the following:

327. Defendant Chemical Conservation, provided industrial waste management service for Defendants while they owned and operated the plant.

328. In this capacity, Chemical Conservation had a duty to safely pick up, remove, and transport waste from the toxic chemicals, pollutants and hazardous substances that were used by Defendants at the Plant.
329. Defendant Chemical Conservation breached this duty by failing to prevent dischargers of the toxic chemicals, pollutants and hazardous substances from occurring at the Contaminated Site as well as safely pick up, remove, and transport waste from the toxic chemicals, pollutants and hazardous substances that were used by Defendants at the Plant.
330. Defendant Chemical Conservation knew, or in the exercise of reasonable care, should have known of the dangers posed to the public, including Plaintiffs and the decedent, from its failure to safely pick up, remove and transport waste from the toxic chemicals, pollutants and hazardous substances that were used by Defendants at the Plant.
331. Despite this knowledge, Chemical Conservation failed to properly perform its duties described above.
332. As a result of this breach, Plaintiffs and the decedent were continuously exposed to the waste of the toxic chemicals, pollutants and hazardous substances which thereby caused or contributed substantially to the Plaintiffs' and the decedent's injuries.
333. As a result of the forgoing conduct of the Defendant, Plaintiff NADINE CULBREATH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and

treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

334. As a result of the forgoing conduct of the Defendant, Plaintiff GLENDA HOWINGTON sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

335. As a result of the forgoing conduct of the Defendant, Plaintiff LOUISE JONES sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

336. As a result of the forgoing conduct of the Defendant, Decedent JOHN KERIS sustained bodily injury that resulted in his death. As a result of the death of JOHN KERIS, the Estate of JOHN KERIS suffered damages including loss of the prospective net accumulations of his estate, which might reasonably have been expected but for the wrongful death, reduced to present money value, medical and

funeral expenses due to the decedent's injury and death that have become a charge against his estate or were paid by or on behalf of decedent; PATRICIA KERIS, his wife, has lost the future support and services of her husband, has lost the companionship and protection of her husband, and has suffered damages, including mental pain and suffering, and all other damages as allowed by Florida Statutes section 768.21.

337. As a result of the forgoing conduct of the Defendant, Plaintiff PHYLLIS JUSTICE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
338. As a result of the forgoing conduct of the Defendant, Plaintiff ALEXANDER LASTARZA sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.
339. As a result of the forgoing conduct of the Defendant, Plaintiff PATRICIA McCLAFFERTY sustained bodily injuries and resulting pain and suffering,

impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

340. As a result of the forgoing conduct of the Defendant, Plaintiff CLAUDIA RANDALL sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

341. As a result of the forgoing conduct of the Defendant, Plaintiff Deborah Ritz was exposed to hazardous and toxic chemicals when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff, JESSICA RITZ. Plaintiff JESSICA RITZ sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

342. As a result of the forgoing conduct of the Defendant, Plaintiff CHERYL SHAVER

sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

343. As a result of the forgoing conduct of the Defendant, Plaintiff PAULA SHREVE sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

344. As a result of the forgoing conduct of the Defendant, Plaintiff CATHERINE SMITH sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

345. As a result of the forgoing conduct of the Defendant, Plaintiff JEWEL WRIGHT sustained bodily injuries and resulting pain and suffering, impairment, disability,

disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

346. As a result of the forgoing conduct of the Defendant, Plaintiff BERNICE ABBOTT sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

347. As a result of the forgoing conduct of the Defendant, Plaintiff KATHLEEN VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

348. As a result of the forgoing conduct of the Defendant, Plaintiff KENNETH VENUTI sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of

hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

349. As a result of the forgoing conduct of the Defendant, Plaintiff KATHLEEN VENUTI was exposed to hazardous and toxic chemicals when working at the Contaminated Site while she was pregnant with her son, Plaintiff, RYAN VENUTI. Plaintiff RYAN VENUTI, a minor, sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

350. As a result of the forgoing conduct of the Defendant, Plaintiff KATHLEEN VENUTI was exposed to hazardous and toxic chemicals when working at the Contaminated Site while she was pregnant with her daughter, Plaintiff, KRISTEN VENUTI. Plaintiff KRISTEN VENUTI, a minor sustained bodily injuries and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of pre-existing conditions. Plaintiff's injuries are permanent in nature as a result of which Plaintiff will continue to suffer losses in the future.

WHEREFORE, Plaintiffs and the decedent demand judgment against Defendant Chemical Conservation, for compensatory damages, and costs and for such other and further relief as to the Court seems just and proper, and for a trial by jury on all issues so triable as a matter of right.

**DEMAND FOR JURY TRIAL**

Plaintiffs and the decedent demand a trial by jury as to all issues so triable of right.

Dated this \_\_\_\_\_ day of November, 2007.

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