

IN THE CIRCUIT COURT
FOR LEE COUNTY, ALABAMA

NAT T. WILKINS, individually
and as representative of the
class,

Plaintiffs,

-vs-

WEST POINT-PEPPERELL, INC.

and

PAUL KALLA, Associate Medical
Director of West Point-
Pepperell, Inc.,

and

FORMER ASSOCIATE MEDICAL
DIRECTOR(S), Former Associate
Medical Director(s) of West
Point-Pepperell, Inc.

and

THEODORE HATFIELD, Medical
Director of West Point-
Pepperell, Inc.,

and

JACK WHITWORTH, Former Medical
Director of West Point-
Pepperell, Inc.,

and

OTHER FORMER MEDICAL DIRECTOR(S),
Former Medical Director(s) of
West Point-Pepperell, Inc.,

and

J. L. LANIER, JR., President
of West Point-Pepperell, Inc.,

and

PAST PRESIDENT(S), Former
President(s) of West Point-
Pepperell, Inc.,

and

A. L. WARD, plant Manager of
Pepperell Station, Opelika,
Alabama Mill of West Point-
Pepperell, Inc.,

and

(Continued)

COMPLAINT

CIVIL ACTION NO. CJ-79-294

PREVIOUS PLANT MANAGER(S),
Former Plant Manager(s) of
Pepperell Station, Opelika,
Alabama Mill of West Point-
Pepperell, Inc.,

and

JIMMY ALLEN, Safety and
Personnel Director of
Pepperell Station, Opelika,
Alabama Mill of West Point-
Pepperell, Inc.,

and

BENNY L. GARNER, JR., Former
Safety and Personnel
Director of Pepperell
Station, Opelika,
Alabama Mill of West Point-
Pepperell, Inc.,

and

FORMER SAFETY DIRECTOR(S),
Former Safety and Personnel
Directors of Pepperell
Station, Opelika, Alabama
Mill of West Point-Pepperell,
Inc.,

and

INDUSTRIAL HYGIENIST(S)
Present and Former
Industrial Hygienists of
or hired by West Point-
Pepperell, Inc.,

and

INSURANCE CARRIER(S), Workmen's
Compensation Insurer(s) of
West Point-Pepperell, Inc.,

and

INSURANCE FUND MANAGER(S),
Present and Past Manager(s)
of West Point-Pepperell, Inc.'s
Workmen's Compensation Fund,

and

SAFETY CONSULTANT(S), Present
and Past Consultant(s) for the
Insurance Carrier(s) and/or
Insurance Fund Manager(s) of West
Point-Pepperell, Inc.

Defendants.

DENNIS N. BALSKE
JOHN L. CARROLL
1001 South Hall Street
Montgomery, AL 36104

ATTORNEYS FOR PLAINTIFFS

Nature of Action

This is a civil action brought by Nat T. Wilkins, suing individually and as a class representative. Plaintiffs seek compensatory and punitive damages against: their employer, West Point-Pepperell, Inc. (hereinafter West Point); West Point's former Medical Director, Jack Whitworth, M.D., present Medical Director, Theodore Hatfield, M.D., present Associate Medical Director, Paul Kalla, M.D., and certain former Medical and Associate Medical Directors; West Point's President, J. L. Lanier, Jr., and certain former Presidents; A. L. Ward, Plant Manager of West Point's Pepperell Station, Opelika, Alabama Mill and certain former Plant Managers; Jimmy Allen, Safety and Personnel Director of West Point's Pepperell Station, Opelika, Alabama Mill and certain former Safety Directors; present and former industrial hygienists of West Point; present and past workmen's compensation insurance carrier(s) for West Point; present and past insurance fund manager(s) for West Point's workmen's compensation fund; and present and past safety consultant(s) for the insurance carrier(s) and/or insurance fund manager(s) of West Point. These damages are sought for certain torts committed against plaintiffs in the course of their employment, namely: fraud, misrepresentation of material facts, deceit, fraudulent deceit, malpractice, intentional misconduct, negligence and tortious breach of a covenant of good faith and fair dealing. They do not herein seek workmen's compensation benefits.

II

Class Action

Plaintiff brings this suit on his behalf and on behalf of the class of all persons who have contracted chronic obstructive pulmonary disease (also known as chronic obstructive lung disease) and related diseases from exposure to cotton dust during the course of their employment with defendant West Point at its Pepperell Station, Opelika, Alabama facility (hereinafter Opelika Mill).

The prerequisites of Rule 23(a) and b(3) of the Alabama Rules of Civil Procedure are satisfied. There are common questions of law and fact affecting members of the class. These questions predominate over questions affecting only individual members. The claims of plaintiff are typical of the claims of the class; the defenses to the action are also on grounds generally applicable to the class. The members of the class are so numerous as to make it impracticable to bring them all before the Court, and the interests of the class are adequately represented by the individual plaintiff. Further, the questions of law or fact common to the class predominate over any questions involving individual members, and a class action is superior to other available methods for fair and efficient adjudication of this controversy.

III

Parties

A. Plaintiff.

1. Nat T. Wilkins is over the age of 21, a resident of Opelika, Alabama and a citizen of the United States. He worked as an employee of West Point in the card room at its Opelika Mill from February 2, 1951 through July 14, 1964 and from December 10, 1964 through October 5, 1978 (including a medical leave of absence from March 2, 1978 to October 5, 1978).

B. Defendants.

1. West Point-Pepperell, Inc. is a Georgia Corporation, licensed to and doing business as a manufacturer of textiles at many locations in Alabama, including a sheet manufacturing operation at Pepperell Station, Opelika, Alabama.

2. Paul Kalla, M.D. is over the age of 21, a resident of Alabama and a citizen of the United States. He is employed as Associate Medical Director of West Point-Pepperell, Inc. At all times relevant, defendant Kalla was responsible for the

diagnosis and treatment of employees at the Pepperell Station, Opelika Mill of West Point. In addition, in his capacity as Associate Medical Director, he participated in the administration of the company's medical surveillance program of workers exposed to cotton dust and apprised West Point of the capacity of its employees to perform strenuous work, in relation to their medical conditions.

3. Former Associate Medical Director(s) is a fictitious title for all living former Associate Medical Directors of West Point from the time of plaintiff's initial employment, in February, 1951, to the selection of defendant Kalla as Associate Medical Director. Plaintiff is ignorant of the name(s) of this opposing party.

4. Theodore Hatfield, M.D. is over the age of 21, a resident of Alabama and a citizen of the United States. He has served as Medical Director of defendant West Point since approximately January 1, 1979. As chief medical officer, defendant Hatfield's duties included direction and supervision of the company's medical surveillance program of workers exposed to cotton dust.

5. Jack Whitworth, M.D. is over the age of 21, a resident of Alabama and a citizen of the United States. He served as Medical Director of West Point-Pepperell, Inc., at all times relevant until on or about January 1, 1979. During his term as Medical Director, defendant Whitworth was the chief medical officer of defendant West Point. His duties included direction and supervision of the company's medical surveillance program of workers exposed to cotton dust.

6. Other former Medical Director(s) is a fictitious title for all living former Medical Directors of West Point from the time of plaintiff's initial employment, in February, 1951, to the selection of defendant Whitworth as Medical Director.

7. J. L. Lanier, Jr. is over the age of 21, a resident of Alabama and a citizen of the United States. He is employed

1951 to the selection of Benny J. Garner, Jr., as Safety Director. Plaintiff is ignorant of the name(s) of this opposing party.

14. Industrial Hygienist(s) is a fictitious title for the industrial hygienist(s) of or hired by West Point, whose work in any way affected safety policies and procedures at West Point's Opelika Mill since the time of plaintiff's initial employment, in February, 1951. In its capacity as industrial hygienist, this individual was aware of and took part in the safety policies and practices of West Point's Opelika Mill. Plaintiff is ignorant of the name(s) of this opposing party.

15. Insurance Carrier(s) is a fictitious title for the organization(s) (probably an insurance company) which has provided workmen's compensation insurance to West Point since the time of plaintiff's initial employment in February, 1951. In its capacity as insurance carrier this organization was aware of and took part in the safety policies and practices of West Point's Opelika Mill. Plaintiff is ignorant of the name(s) of this opposing party.

16. Insurance Fund Manager(s) is a fictitious title for the individual(s) or organization(s) (probably an insurance company) which has managed and provided advice regarding the funds held by West Point for payment of workmen's compensation benefits to its employees since the time of plaintiff's initial employment. In this capacity, this individual(s) or organization(s) was aware of and took part in the safety policies and practices of West Point's Opelika Mill. Plaintiff is ignorant of the name(s) of this opposing party.

17. Safety Consultant(s) is a fictitious title for the individual(s) or organization(s) which have been consulted by the Insurance Carrier(s) and/or Insurance Fund Manager(s) in behalf of West Point in regard to safety at West Point's Mills, since the time of plaintiff's initial employment. In this capacity, this individual(s) or organization was aware of and took part in the safety policies and practices of West Point's Opelika Mill. Plaintiff is ignorant of the name(s) of this opposing party.

as President of West Point-Pepperell, Inc. At all times relevant, he served as chief operating officer and policy maker of West Point, including its operations at the Opelika Mill.

8. Past President(s) is a fictitious title for all living former Presidents of West Point from the time of plaintiff's initial employment, in February, 1951, to the presidency of defendant Lanier. Plaintiff is ignorant of the name(s) of this opposing party.

9. A. L. Ward is over the age of 21, a resident of Alabama and a citizen of the United States. He is employed as Plant Manager of West Point's Opelika Mill, a position he has held since approximately 1976. In his capacity as Plant Manager, he is responsible for the operation of the Opelika Mill, including but not limited to safety procedures.

10. Previous Plant Manager(s) is a fictitious title for all living former plant managers of West Point's Opelika Mill from the time of plaintiff's initial employment, in February, 1951 to the selection of defendant Ward as Plant Manager. Plaintiff is ignorant of the name(s) of this opposing party.

11. Jimmy Allen is over the age of 21, a resident of Alabama and a citizen of the United States. He is employed as the Safety and Personnel Director of the Opelika Mill of West Point, a position he has held since approximately 1976. In his capacity as Safety and Personnel Director, he is responsible for safety procedures and the safety of employees at West Point's Opelika Mill.

12. Benny L. Garner, Jr., is over the age of 21, a resident of Alabama and a citizen of the United States. He was employed as the Safety and Personnel Director of the Opelika Mill of West Point from approximately 1972 through 1976. In his capacity as Safety and Personnel Director, he was responsible for safety procedures and the safety of employees at West Point's Opelika Mill.

13. Former Safety Director(s) is a fictitious title for all living former Safety and Personnel Directors of West Point's Opelika Mill from the time of plaintiff's initial employment, in February,

Statement of the Facts

1. During the course of his 27 years as an employee of defendant West Point, plaintiff was exposed to heavy concentrations of cotton dust in the card room of the Opelika Mill.
2. As a result of continuous exposure to these heavy concentrations, over an extended period of time, plaintiff contracted chronic obstructive pulmonary disease (also known as chronic obstructive lung disease).
3. Sometime during or about 1972, defendants, realizing that many Opelika Mill employees were becoming disabled from *chronic obstructive pulmonary disease and related diseases*, instituted a medical surveillance program for employees exposed to cotton dust on the job. This program included lung-functioning testing.
4. During the course of 1972, plaintiff first was tested for lung-function impairment.
5. Sometime during 1974 or 1975, defendant Kalla advised plaintiff that he had some type of lung disease.
6. At this time, defendants knew that plaintiff's disease was, or probably was, being caused by exposure to cotton dust.
7. Defendants and their representatives never advised plaintiff that the impairment to his lung functioning and other related impairments were, or probably were, related to cotton dust exposure.
8. Defendants never required the use of respirators by any of the employees of the Opelika Mill suffering from cotton-dust related lung impairments, but instead allowed them to continue to work unprotected in areas of heavy concentrations of cotton dust.

9. Defendants knew that frequent exposure to cotton dust over a long period of time would cause a number of Opelika Mill employees to develop chronic obstructive pulmonary disease and related diseases, and that further exposure to those who developed the disease would cause them to become totally disabled.

10. When plaintiff's disease eventually became disabling, he was sent by defendant Kalla for further testing to the Emory University Clinic, located in Atlanta, Georgia, on February 13, 1978.

11. The Pulmonary Function Laboratory at the Emory University Clinic assessed plaintiff's condition as "severe obstructive airway disease." Specifically, the clinic diagnosed plaintiff as having "chronic obstructive lung disease," consisting of "chronic bronchitis," "emphysema" and "byssinosis" (also known as brown lung).

12. Plaintiff's test results were provided to defendants, but not to plaintiff.

13. Defendants knew of plaintiff's condition and that it was, at least in part, caused by his continuous exposure to cotton dust in the card room at the Opelika Mill over a 27-year period.

14. Defendants never advised plaintiff that his condition was, or might be, work-related, and never told plaintiff that the diagnosis at the Emory University Clinic had confirmed the work-related nature of his disease.

15. Less than one month after his testing at the Emory Clinic, plaintiff was placed on medical leave of absence, because, as defendant Kalla advised him, he was unable to engage in the strenuous activities required for his job.

16. Defendant West Point never transferred or offered to transfer plaintiff to a less strenuous job, although such jobs were available.

17. In March or April of 1978, defendant West Point advised plaintiff that because he could no longer engage in strenuous activities, he would eventually be terminated.

18. At this time, West Point encouraged and assisted plaintiff in seeking government disability benefits, to the extent that a member of West Point's Personnel Department undertook to advise him of the benefits he should seek and even initiated the paper work required for Social Security disability benefits.

19. Defendant West Point took this action and did not advise plaintiff of the work-related nature of his illness, so that plaintiff would not file a workmen's compensation claim against it.

20. Plaintiff was declared totally and permanently disabled and began receiving Social Security disability benefits in October of 1978.

21. Defendant West Point separated plaintiff from employment on October 5, 1978.

22. Plaintiff remained unaware that his illness was job-related, or that he had byssinosis, until December of 1978, when Arend Bouhuys, M.D., Professor of Medicine and Epidemiology at Yale University and a recognized expert in the detection of diseases caused by the inhalation of cotton dust, tested plaintiff and concluded that his "chronic respiratory symptoms and lung function loss were largely the result of long-term exposure to cotton dust in card rooms (byssinosis) and to a lesser, additional, extent of cigarette smoking."

23. Members of plaintiff's class have also contracted chronic obstructive pulmonary disease and related diseases from continuous exposure to heavy concentrations of cotton dust.

24. None of the class members have been advised by defendants that their illness is work-related, even though defendants knew and know of the work-related nature of the illness.

25. These class members have been allowed to continue working without protection in areas of the mill where they are exposed to high concentrations of cotton dust.

26. Many class members have been encouraged to seek government disability benefits.

27. Members of plaintiff's class have been terminated, because they eventually became too sick from cotton dust exposure to work at their strenuous jobs, without being given an option to transfer to less strenuous jobs.

28. Many class members still work at the Opelika Mill, in spite of their sickness, not knowing their illness is work-related.

29. Like plaintiff, due to their lack of knowledge of the relationship of their work to their illness, most class members have not sought workmen's compensation benefits.

30. All named defendants, in the capacities described in paragraphs 1 through 15 of Section III, were aware of and participated in a policy of withholding knowledge of the dangers of cotton dust inhalation, as well as the work-related nature of chronic obstructive pulmonary and related diseases, from the Opelika Mill employees, as well as a policy of misleading and discouraging Opelika Mill employees struck with such work-related diseases from seeking the workmen's compensation benefits to which they were entitled.

V

First Cause of Action

1. Plaintiff realleges paragraphs 1 through 30 of Section IV.

2. Defendants fraudulently concealed the danger of continuous exposure to cotton dust and the work-related nature of plaintiffs' diseases from them and allowed them to continue to be exposed to cotton dust, knowing that their diseases had resulted from exposure to cotton dust. At the same time, defendants encouraged plaintiffs to seek governmental disability benefits, so plaintiffs would not seek workmen's compensation benefits.

3. As a proximate result of defendants' fraud, plaintiffs:

a) Incurred permanent injury, including pain, suffering and loss of wages and were prevented from going about their usual and customary duties;

b) Continued to expose themselves to cotton dust until all became sick or sicker and many became totally disabled, at which time they obtained or attempted to obtain government disability benefits and were terminated from their jobs;

c) Lost their marketable skills and unknowingly forfeited their legal right to workmen's compensation benefits, further causing them pecuniary loss, as well as mental and emotional distress; and

d) Were put to great expense in and about their efforts to heal themselves, including hospital, doctor, medical, drug and other related expenses.

VI

Second Cause of Action

1. Plaintiff realleges paragraphs 1 through 30 of Section IV.

2. Defendants misrepresented that cotton dust exposure would not cause illness and that plaintiffs' illnesses were not work-related, willfully to deceive, or recklessly without knowledge, and plaintiffs acted on this misrepresentation, by continuing to work in areas where they were exposed to cotton dust and by unknowingly forfeiting their legal right to workmen's compensation benefits.

3. As a proximate result of defendants' misrepresentation of material facts, plaintiffs:

a) Incurred permanent injury, including pain, suffering and loss of wages and were prevented from going about their usual and customary duties;

b) Continued to expose themselves to cotton dust until all became sick or sicker and many became totally disabled, at which time they obtained or attempted to obtain government disability benefits and were terminated from their jobs;

c) Lost their marketable skills and unknowingly forfeited their legal right to workmen's compensation benefits, further causing them pecuniary loss, as well as mental and emotional distress; and

d) Were put to great expense in and about their efforts to heal themselves, including hospital, doctor, medical, drug and other related expenses.

VII

Third Cause of Action

1. Plaintiff realleges paragraphs 1 through 30 of Section IV.

2. Defendants suppressed the fact that exposure to cotton dust could cause illness and that plaintiffs' illnesses were work-related, which facts defendants were under an obligation to communicate.

3. As a proximate result of defendants' suppression of material facts, plaintiffs:

a) Incurred permanent injury, including pain, suffering and loss of wages and were prevented from going about their usual and customary duties;

b) Continued to expose themselves to cotton dust until all became sick or sicker and many became

totally disabled, at which time they obtained or attempted to obtain government disability benefits and were terminated from their jobs;

c) Lost their marketable skills and unknowingly forfeited their legal right to workmen's compensation benefits, further causing them pecuniary loss, as well as mental and emotional distress; and

d) Were put to great expense in and about their efforts to heal themselves, including hospital, doctor, medical, drug and other related expenses.

VIII

Fourth Cause of Action

1. Plaintiff realleges paragraphs 1 through 30 of Section IV.

2. Defendants willfully misrepresented that cotton dust exposure does not cause illness and that plaintiffs' illnesses were not work-related, when in fact they were, to induce plaintiffs to continue working in areas where they would be exposed to cotton dust and to induce plaintiffs to seek government disability benefits, rather than workmen's compensation benefits. Plaintiffs were so induced, to their injury.

3. As a proximate result of defendants' deceit, plaintiffs:

a) Incurred permanent injury, including pain, suffering and loss of wages and were prevented from going about their usual and customary duties;

b) Continued to expose themselves to cotton dust until all became sick or sicker and many became totally disabled, at which time they obtained or attempted to obtain government disability benefits and were terminated from their jobs;

c) Lost their marketable skills and unknowingly forfeited their legal right to workmen's compensation benefits, further causing them pecuniary loss, as well as mental and emotional distress; and

d) Were put to great expense in and about their efforts to heal themselves, including hospital, doctor, medical, drug and other related expenses.

IX

Fifth Cause of Action

1. Plaintiff realleges paragraphs 1 through 30 of Section IV.

2. Defendants willfully deceived plaintiffs with the intent to induce plaintiffs to alter their position to their injury.

3. As a proximate result of defendants' fraudulent deceit, plaintiffs:

a) Incurred permanent injury, including pain, suffering and loss of wages and were prevented from going about their usual and customary duties;

b) Continued to expose themselves to cotton dust until all became sick or sicker and many became totally disabled, at which time they obtained or attempted to obtain government disability benefits and were terminated from their jobs;

c) Lost their marketable skills and unknowingly forfeited their legal right to workmen's compensation benefits, further causing them pecuniary loss, as well as mental and emotional distress; and

d) Were put to great expense in and about their efforts to heal themselves, including hospital, doctor, medical, drug and other related expenses.

Sixth Cause of Action

1. Plaintiff realleges paragraphs 1 through 30 of Section IV.
2. Defendant Kalla, defendants Whitworth, Hatfield and other former Medical and former Associate Medical Director(s), in performing professional services for plaintiff and/or in administering the medical surveillance program, did not exercise such reasonable care, diligence and skill as physicians in the same general neighborhood and same general line of practice ordinarily have and exercise in like cases.

3. As a proximate result of the malpractice of defendants Kalla, Whitworth, Hatfield and other former Medical and former Associate Medical Director(s), plaintiffs:

a) Incurred permanent injury, including pain, suffering and loss of wages and were prevented from going about their usual and customary duties;

b) Continued to expose themselves to cotton dust until all became sick or sicker and many became totally disabled, at which time they obtained or attempted to obtain government disability benefits and were terminated from their jobs;

c) Lost their marketable skills and unknowingly forfeited their legal right to workmen's compensation benefits, further causing them pecuniary loss, as well as mental and emotional distress; and

d) Were put to great expense in and about their efforts to heal themselves, including hospital, doctor, medical, drug and other related expenses.

Seventh Cause of Action

1. Plaintiff realleges paragraphs 1 through 30 of Section IV.

2. Defendants intentionally injured plaintiffs, when, knowing that continuous exposure to high concentrations of cotton dust over a long period of time would cause a number of Opelika Mill employees to develop chronic obstructive pulmonary disease and other obstructive lung diseases, they intentionally, wilfully, wantonly and recklessly:

a) Allowed plaintiffs to be continuously exposed to high concentrations of cotton dust;

b) Never warned plaintiffs of the possibility they would become ill from continuous exposure to cotton dust over a long period of time;

c) Did not require mill employees working in areas of high dust concentrations to wear respirators, or advise them that respirators should be worn to avoid the possibility they would eventually become ill;

d) Did not provide employees special protection from the heaviest concentrations of cotton dust, which concentrations are generated during cleaning operations and which cause the dustiest areas of the plant, until very recently;

e) Violated numerous O.S.H.A. (Occupational Safety and Health Act) standards, including dust-level standards, over a long period of time;

f) Did not advise employees that their lung and heart problems, discovered by the company's medical surveillance program, might be the result of work-related cotton dust exposure;

g) Allowed employees with lung and heart problems to unknowingly continue working in areas of high dust concentrations, without advising them of the necessity for respirators or other safety precautions or transferring them to less dusty areas of the plant or less strenuous jobs; and

h) Initiated procedures to obtain social security disability benefits for disabled employees, in order that they would not pursue workmen's compensation claims against West Point.

3. As a proximate result of defendants' intentional actions and inactions, plaintiffs:

a) Incurred permanent injury, including pain, suffering and loss of wages and were prevented from going about their usual and customary duties;

b) Continued to expose themselves to cotton dust until all became sick or sicker and many became totally disabled, at which time they obtained or attempted to obtain government disability benefits and were terminated from their jobs;

c) Lost their marketable skills and unknowingly forfeited their legal right to workmen's compensation benefits, further causing them pecuniary loss, as well as mental and emotional distress; and

d) Were put to great expense in and about their efforts to heal themselves, including hospital, doctor, medical, drug and other related expenses.

XII

Eighth Cause of Action

1. Plaintiff realleges paragraphs 1 through 30 of Section IV.

2. Defendants negligently failed to advise plaintiffs of the danger of continuous exposure to cotton dust and the work-related nature of their diseases.

3. As a proximate result of defendants' negligence, plaintiffs:

a) Incurred permanent injury, including pain, suffering and loss of wages and were prevented from going about their usual and customary duties;

b) Continued to expose themselves to cotton dust until all became sick or sicker and many became totally disabled, at which time they obtained or attempted to obtain government disability benefits and were terminated from their jobs;

c) Lost their marketable skills and unknowingly forfeited their legal right to workmen's compensation benefits, further causing them pecuniary loss, as well as mental and emotional distress; and

d) Were put to great expense in and about their efforts to heal themselves, including hospital, doctor, medical, drug and other related expenses.

XIII

Ninth Cause of Action

1. Plaintiff realleges paragraphs 1 through 30 of Section IV.

2. Defendant West Point breached a covenant of good faith and fair dealing when it wrongfully discharged plaintiffs from employment and encouraged plaintiffs to seek government disability benefits.

3. As a proximate result of defendants' breach, plaintiffs lost wages, unknowingly forfeited their legal right to workmen's compensation benefits, and incurred permanent mental and emotional distress.

XIV

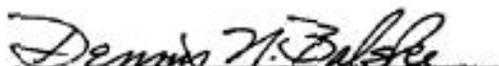
Relief

1. Defendants' actions were deliberate, gross, malicious, oppressive, wilful, wanton, reckless, and committed with an intent to injure.

2. Wherefore, plaintiff and the members of the class he represents demand judgment against these defendants as follows:

- a. Five Million (\$5,000,000) in compensatory damages against each defendant.
- b. Ten Million (\$10,000,000) in punitive damages against each defendant.
- c. Reasonable costs and attorneys fees.

Respectfully submitted,



DENNIS N. BALSKE
JOHN L. CARROLL
1001 South Hull Street
Montgomery, AL 36104

ATTORNEYS FOR PLAINTIFFS

DEMAND FOR JURY TRIAL

Please take notice that plaintiffs demand trial by jury of all the issues in this cause.



DENNIS N. BALSKE
ATTORNEY FOR PLAINTIFFS