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CLERK
U.S. DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LAURA WROBLE,)
)
Plaintiff,)
)
vs. JUL 16 2002)
)
THE LOCKFORMER COMPANY, a)
Division of MET-COIL SYSTEMS)
CORPORATION, a Delaware)
Corporation, and MESTEK INC., a)
Pennsylvania Corporation, and)
HONEYWELL INTERNATIONAL,)
INC., a Delaware Corporation,)
)
Defendants.)

NO. 02C 4992

JUDGE GOTTSCHALL

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

COMPLAINT AT LAW

NOW COMES the Plaintiff, LAURA WROBLE, by and through her attorneys, LAW OFFICES OF EDMUND J. SCANLAN LTD., and for her Complaint against the Defendants, THE LOCKFORMER COMPANY, a Division of MET-COIL SYSTEMS CORPORATION, a Delaware Corporation; MESTEK, INC., a Pennsylvania Corporation; and HONEYWELL INTERNATIONAL, INC., a Delaware Corporation, states as follows:

I. **STATEMENT OF JURISDICTION**

1. The subject matter jurisdiction lies with this Honorable Court and is predicated upon 28 U.S.C. 1332, diversity jurisdiction.
2. Plaintiff, LAURA WROBLE, is a citizen of the State of Illinois.

3. Defendant, LOCKFORMER COMPANY, a Division of MET-COIL SYTEMS CORPORATION, (hereinafter "LOCKFORMER"), is a Delaware corporation, having its principle place of business in the State of Iowa.

4. Defendant, MESTEK, INC., (hereinafter "MESTEK") is a Pennsylvania corporation, having its principle place of business in the State of Massachusetts.

5. Defendant, HONEYWELL INTERNATIONAL INC., ("hereinafter "HONEYWELL") is a Delaware corporation.

6. Complete diversity exists herein.

7. In excess of \$75,000.00 (exclusive of interests and/or costs), is in controversy herein.

II. STATEMENT OF CLAIMS

8. Plaintiff incorporates by reference paragraphs one through seven as though fully rewritten herein.

9. Plaintiff, LAURA WROBLE, resides at 515 Chicago Avenue, Lisle, Illinois, 60532. Plaintiff has resided at said address since 1996.

10. Prior to her residence at 515 Chicago Avenue, the plaintiff, LAURA WROBLE, resided at 4704 Elm Street in Lisle, Illinois, 60532.

11. Prior to her residence at 4704 Elm Street, the plaintiff, LAURA WROBLE, resided at 4708 Elm Street in Lisle, Illinois.

12. At all times relevant herein, LOCKFORMER was and/or is engaged in the business of metal fabrication and manufacturing, and is located at 711 Ogden Avenue, Lisle, Illinois, 60532 (the LOCKFORMER site).

13. LOCKFORMER is a wholly owned subsidiary of METCOIL SYSTEMS CORPORATION.

14. MESTEK owns and operates LOCKFORMER and has done so since the purchasing the entity in approximately June of 2000.

15. The LOCKFORMER site is located north and west and hydrologically upgraded from each resident within which plaintiff, LAURA WROBLE, has resided during her lifetime.

16. During the course of its business operations, LOCKFORMER has engaged in the use of chlorinated solvents, including trichloroethylene (hereinafter "TCE").

17. LOCKFORMER maintained and used a solvent storage tank upon the roof of its facility at the LOCKFORMER site from approximately 1968 until and including 1999.

18. LOCKFORMER's rooftop storage tank was filled with chlorinated solvents including TCE via a fill pipe that was affixed to the western wall of the LOCKFORMER facility.

19. Allied Signal, Inc. (HONEYWELL's predecessor in interest) supplied LOCKFORMER with chlorinated solvents from approximately 1970 until approximately 1993. Allied Signal, Inc. was merged into and became known

as HONEYWELL INTERNATIONAL. ("HONEYWELL"), prior to the commencement of this action, Allied Signal, Inc., as a separate and distinct entity, no longer exists.

20. During the time period beginning in approximately 1968 and ending in approximately 2001, chlorinated solvents, including TCE, were released into the environment as a result of one or all of the following negligent acts:

- (a) as a result of HONEYWELL's failure to exercise reasonable care, TCE was released into the environment at the LOCKFORMER site at or near the fill pipe, during the course of filling the rooftop storage tank;
- (b) as a result of LOCKFORMER's failure to exercise reasonable care, TCE was released into the environment at the LOCKFORMER site at or near the fill pipe, as well as including but not limited to, through LOCKFORMER's drains, floors, through the floor of LOCKFORMER's vapor degreaser pit, and/or through LOCKFORMER's refuse disposal;
- (c) MESTEK failed to exercise reasonable care in its ownership, management, and/or monitoring of LOCKFORMER with respect to the procurement, use, handling and/or disposal of chlorinated solvents, including TCE.

21. As a direct and proximate result of the foregoing negligent acts and/or omissions, a plume of toxic chemicals, including TCE, formed at and beneath the ground surface at the LOCKFORMER site.

22. As a direct and proximate result of the foregoing negligent acts and/or omissions, a plume of toxic chemicals, including TCE, has contaminated the soils and groundwater systems in, beneath and near the LOCKFORMER site.

23. As a direct and proximate result of the foregoing negligent acts and/or omissions, the plume of toxic chemicals migrated to and/or upon and/or beneath the properties upon which plaintiff, LAURA WROBLE, has resided since her birth.

24. As a direct and proximate result of the foregoing negligent acts and/or omissions, toxic chemicals, including TCE, have come into contact with the person of plaintiff, LAURA WROBLE.

25. As a direct and proximate result of the foregoing negligent acts and/or omissions, a stream of toxic chemicals, and/or industrial waste and/or refuse, including TCE, was created at the LOCKFORMER site and was transferred over land upon the properties at which plaintiff, LAURA WROBLE, resided during her childhood.

26. On October 4, 2001, the United States Environmental Protection Agency, by and through the Superfund Division Director, entered an Order containing findings of fact and conclusions of law. Among the findings of facts so found include that:

The current legal owner and operator of the site is the Lockformer Company. The Lockformer Company is a wholly-owned subsidiary of Metcoil Systems Corporation. In June of 2000, Mestek, Inc. purchased Metcoil and thereby owns and operates both Lockformer and Metcoil.

Contaminated soil was first discovered at the site in the Fall of 1991 during underground utility repair work conducted on the west side of the building. In 1992, Lockformer conducted soil sampling and detected TCE in concentrations as high as 680,000 parts per billion in soil at the site. Additional soil and groundwater samples collected

in 1995 in the vicinity of the refilling line showed the presence of TCE at maximum concentrations of 960,000 parts per billion in the soil. Lockformer conducted an additional assessment of TCE releases, and a report dated February 14, 1997, documents TCE contamination in onsite ground water monitoring wells at levels as high as 68,000 parts per billion. Technical reports prepared by Lockformer in 1997 and 1998 indicated that the surface drainage is to the south and that the storm water drain terminated in a neighboring residential yard. The reports also concluded that TCE contamination at this site had migrated downward and laterally to a sand layer impacting ground water at a depth of 56 feet.

On December 18, 19 and 20, 2000, the Illinois EPA collected samples from private wells of 48 homes located near Front Street, which is located approximately 1200 feet south of the Lockformer site. Of the 48 private well water samples collected, 34 samples show the presence of TCE. . .

27. On October 4, 2001, the United States Environmental Protection Agency, by and through the Superfund Division Director, also adopted several conclusions of law and determinations, including:

The conditions described in the findings of fact above constitute an actual or threatened release into the environment...

The actual and/or potential contamination of drinking water supplies or sensitive ecosystems; this factor was present in the site due to the existence of high levels of TCE in the surface and subsurface soils and groundwater. Studies conducted by Lockformer have documented that TCE contamination is migrating vertically and horizontally toward the sand and gravel deposits and ultimately to the bedrock aquifer. Sampling by IEPA from private wells and monitoring wells found levels of TCE above the maximum contaminant level of 5 parts per billion.

High levels of hazardous substances or pollutants or contaminants in the soil is largely at or near the surface that may migrate; this factor is present at the site due to the existence of very high levels of TCE that have been documented to be released to the soil and groundwater. The TCE in the surface soil and subsurface soil is an ongoing source of groundwater contamination which is migrating

vertically and horizontally and will continue to migrate to the bedrock aquifer causing further groundwater contamination.

The actual or threatened release of hazardous substances from the site may present an imminent and substantial endangerment to public health, welfare or the environment...

28. Plaintiff, LAURA WROBLE, has no known family history or genetic predisposition, or other predisposition for cervical and/or uterine cancers, and has not engaged in activities that have been shown to cause cervical and/or uterine cancers.

29. Plaintiff, LAURA WROBLE, has undergone treatment for her cancer and has achieved a remission.

30. TCE is a known human carcinogen and is clinically linked to cervical and uterine cancers, including the cancer contracted by the Plaintiff, LAURA WROBLE.

31. The World Health Organization, by and through the International Agency for Research on Cancer reports that a two-fold risk for cervical cancer is observed in studies concerning women exposed to trichloroethylene.

32. As a direct and proximate result of one of the defendants' negligent acts and/or omissions, Plaintiff, LAURA WROBLE, has:

- (a) contracted cervical and/or uterine cancer;
- (b) underwent and/or experienced conscious pain and suffering;
- (c) suffered mental anguish and will continue to suffer such anguish;

- (d) lost wages in the past, and will continue to lose wages in the future due to a diminution of earning capacity;
- (e) incurred medical expenses, hospital expenses and other related expenses, and will continue to incur such expenses so as to be cured of her injuries and her damages;
- (f) incurred the need for increased medical monitoring.

33. Defendants had had actual and/or constructive knowledge of the releases of TCE since 1985.

34. Defendants did not provide any notice or any warning of any kind concerning the releases of TCE until March of 2000. Plaintiff, LAURA WROBLE, was not notified of any issue concerning TCE and these defendants until August 28, 2000. On August 28, 2002, Plaintiff, LAURA WROBLE, learned that there may be an issue concerning these defendants having released TCE into the environment. Plaintiff, LAURA WROBLE, did not learn of her personal injuries and physical damages until such time as her cancer diagnosis.

35. One or more of the defendants' negligent acts and/or omissions occurred with wanton and willful disregard for the rights and interests of the Plaintiff, LAURA WROBLE.

III. PRAYER FOR RELIEF

36. Plaintiff incorporates paragraphs one through thirty-five as if fully re-written herein.

37. Plaintiff respectfully demands a jury pursuant to Rule 38, F.R.C.P.

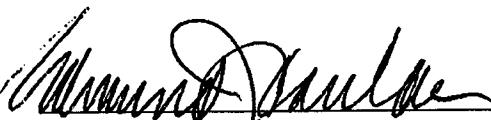
38. Plaintiff, LAURA WROBLE, demands judgment against LOCKFORMER, a Division of MET-COIL SYSTEMS CORPORATION; MESTEK; and HONEYWELL, individually, jointly and severally, in an amount in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

39. As a result of the wanton and willful disregard for the rights and interests of Plaintiff, LAURA WROBLE, plaintiff demands an award of punitive damages.

40. Plaintiff demands interest, the costs of this action, attorney's fees and all of the relief that this Court deems just and equitable.

Respectfully submitted,

Law Offices of Edmund J. Scanlan Ltd.

By: 
Edmund J. Scanlan

Edmund J. Scanlan
Andrew R. Haney
Mario C. Palermo
LAW OFFICES OF EDMUND J. SCANLAN LTD.
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CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

LAURA WROBLE.

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CLERK
U.S. DISTRICT COURT

DEFENDANTS

THE LOCKFORMER COMPANY, a Division of MET-COIL SYSTEMS CORPORATION; MESTEK, INC., and HONEYWELL INTERNATIONAL, INC.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF DuPage
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Iowa
(IN U.S. PLAINTIFF CASES ONLY)

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

02C 4992

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

LAW OFFICES OF EDMUND J. SCANLAN
134 N. LaSalle, Suite 1700
Chicago, IL 60602
(312) 372-0020

ATTORNEYS (IF KNOWN) Attorneys for Honeywell
Wildman, Harrold, Allen & Dixon
225 West Wacker Drive,
Chicago, IL 60606

JUDGE GOTTSCHAL

DOCKETED

JUL 16 2002

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINT AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|-------------------------------------|-------------------------------------|---|--------------------------|--------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen of Another State | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> | Foreign Nation | <input type="checkbox"/> | <input type="checkbox"/> |

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Ubel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7809

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. 1332 Civil action in diversity for V

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint
JURY DEMAND: YES NO

VIII. This case is not a refiling of a previously dismissed action.

is a refiling of case number _____, previously dismissed by Judge _____

DATE
July 15, 2002

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

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United States District Court

NORTHERN DISTRICT OF ILLINOIS

Eastern Division

CLERK
U.S. DISTRICT COURT

In the Matter of
LAURA WROBLE.

VS.
THE LOCKFORMER COMPANY,

DOCKETED

JUL 16 2002

Case Number

02C 4992

JUDGE GOTTSCHALL

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

~~FOR~~ MAGISTRATE JUDGE
GERALDINE SOAT BROWN

(A)	(B)
SIGNATURE	SIGNATURE
NAME EDMUND J. SCANLAN LTD.	NAME ANDREW R. HANEY
FIRM LAW OFFICES OF EDMUND J. SCANLAN LTD.	FIRM LAW OFFICES OF EDMUND J. SCANLAN LTD.
STREET ADDRESS 134 North LaSalle, Suite 1700	STREET ADDRESS 134 North LaSalle, Suite 1700
CITY/STATE/ZIP Chicago, IL 60602	CITY/STATE/ZIP Chicago, IL 60602
TELEPHONE NO. (312) 372-0020	TELEPHONE NO. (312) 372-0020
MEMBER OF TRIAL BAR? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	MEMBER OF TRIAL BAR? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
TRIAL ATTORNEY? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	TRIAL ATTORNEY? <input type="checkbox"/> Yes <input type="checkbox"/> No
ARDC: 02455543	DESIGNATED AS LOCAL COUNSEL? (SEE ITEM 6 ON REVERSE) <input type="checkbox"/> Yes <input type="checkbox"/> No
(C)	(D)
SIGNATURE	SIGNATURE
NAME MARIO C. PALERMO	NAME
FIRM LAW OFFICES OF EDMUND J. SCANLAN LTD.	FIRM
STREET ADDRESS 134 N. LaSalle, Suite 1700	STREET ADDRESS
CITY/STATE/ZIP Chicago, IL 60602	CITY/STATE/ZIP
TELEPHONE NO. (312) 372-0020	TELEPHONE NO.
MEMBER OF TRIAL BAR? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	MEMBER OF TRIAL BAR? <input type="checkbox"/> Yes <input type="checkbox"/> No
TRIAL ATTORNEY? <input type="checkbox"/> Yes <input type="checkbox"/> No	TRIAL ATTORNEY? <input type="checkbox"/> Yes <input type="checkbox"/> No
DESIGNATED AS LOCAL COUNSEL? (SEE ITEM 6 ON REVERSE) <input type="checkbox"/> Yes <input type="checkbox"/> No	DESIGNATED AS LOCAL COUNSEL? (SEE ITEM 6 ON REVERSE) <input type="checkbox"/> Yes <input type="checkbox"/> No

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

1-3