

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. \_\_\_\_\_

ROBERT LORD and  
LOLA T. LORD, his wife,

Plaintiffs,

vs.

FLORIDA SOUTHERN COLLEGE;  
FLORIDA TILE, INC. (sued individually and as  
successor-in-interest to LAKELAND TRANSITION  
HOLDINGS, INC. f/k/a FLORIDA  
TILE INDUSTRIES, INC. and SIKES CORPORATION);  
G.F. ZIMMERMAN, INC. (sued individually and as  
successor-in-interest to ZIMMERMAN  
CONSTRUCTION COMPANY);  
HONEYWELL INTERNATIONAL INC. (sued  
individually and as successor-in-interest to  
ALLIEDSIGNAL, INC., successor to BENDIX  
CORPORATION);  
MOSAIC FERTILIZER, LLC (sued individually  
And as successor-in-interest to CONSERVE  
CHEMICAL COMPANY);  
REGISTER CONSTRUCTION & ENGINEERING, INC.  
f/k/a KEENER-REGISTER CONSTRUCTION COMPANY;  
TILE COUNCIL OF NORTH AMERICA, INC.  
f/k/a TILE COUNCIL OF AMERICA, INC.;  
UNION CARBIDE CORPORATION;  
VANDERBILT MINERALS LLC,

Defendants.

\_\_\_\_\_ /

**COMPLAINT AND DEMAND FOR JURY TRIAL**

1. This is an action seeking damages in excess of Fifteen Thousand Dollars (\$15,000.00) exclusive of fees and costs.

2. Plaintiffs **ROBERT LORD** and **LOLA T. LORD** are citizens of the State of Florida and citizens of the United States of America. **ROBERT LORD** was diagnosed as having asbestos-related disease, specifically malignant mesothelioma, on August 17, 2016 and August 22, 2016.

3. Defendants are as follows:

a. Defendant **FLORIDA SOUTHERN COLLEGE** is a Florida corporation with its principle place of business in Florida and may be served through its registered agent, Puterbaugh, Robert E Peterson & Myers, 225 East Lemon St., Ste. 300, Lakeland, FL 33801.

b. Defendant **FLORIDA TILE, INC.** (sued individually and as successor-in-interest to **LAKELAND TRANSITION HOLDINGS, INC.** f/k/a **FLORIDA TITLE INDUSTRIES, INC.** and **SIKES CORPORATION**) is a Delaware corporation with its principle place of business in Delaware and may be served through its registered agent, Corporation Service Company, 2711 Centerville Rd., Suite 400, Wilmington, DE 19808.

c. Defendant **G.F. ZIMMERMAN, INC.** (sued individually and as successor-in-interest to **ZIMMERMAN CONSTRUCTION COMPANY**); is a Florida corporation with its principle place of business in Florida and may be served through its registered agent, J. Pierce Guard Jr., 1628 South Florida Ave., Lakeland, FL 33803.

d. Defendant **HONEYWELL INTERNATIONAL INC.** (sued individually and as successor--in-interest to **ALLIEDSIGNAL, INC.**, successor to **BENDIX CORPORATION**) is a Delaware corporation with its principal place of business in New Jersey and may be served through its registered agent Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

e. Defendant **MOSAIC FERTILIZER, LLC** (sued individually and as successor-in-interest to **CONSERVE CHEMICAL COMPANY**) is a Delaware corporation with its principal place of business in Minnesota and may be served through its registered agent CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

f. Defendant **REGISTER CONSTRUCTION & ENGINEERING, INC.** f/k/a **KEENER-REGISTER CONSTRUCTION COMPANY** is a Florida corporation with its principal place of business in Florida and may

be served through its registered agent Lester D. Register, 3730 New Tampa Highway, Lakeland, FL 33815.

g. Defendant **TILE COUNCIL OF NORTH AMERICA, INC. f/k/a TILE COUNCIL OF AMERICA, INC.** is a New York corporation with its principal place of business in New York and may be served through its registered agent Maryellen Connor, Esq., Malaby & Bradley, LLC, 150 Broadway, Suite 600, New York, New York 10038.

h. Defendant **UNION CARBIDE CORPORATION** is a New York Corporation with its principal place of business in Texas and may be served through its registered agent, CT Corporation System, 1200 S Pine Island Road, Plantation, Florida 33324.

i. Defendant **VANDERBILT MINERALS LLC** is a Delaware corporation with its principal place of business in Connecticut and maybe served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

4. The Defendants are corporations who are amenable to jurisdiction in the Courts of Florida because they are either Florida corporations or foreign corporations that now conduct or have conducted business or business ventures, or have had offices or agencies within Florida, which subjects them to jurisdiction within Florida. The alleged causes of action arise out of, or are incidental to, the business or business ventures conducted within Florida by each of the Defendants or through which the Defendants purposefully directed themselves at Florida or otherwise could reasonably have foreseen that their activities would subject them to jurisdiction of the Florida courts. Each foreign corporation has through brokers, jobbers, wholesalers, or distributors sold, consigned, or leased tangible or intangible personal property to persons in this state. Each foreign corporation has committed wrongful acts either outside or inside this state causing injury to Plaintiff ROBERT LORD. Each foreign corporation derives substantial revenue from interstate or international commerce and should reasonably have expected their acts to have consequences in this state or any other state. Each foreign corporation has

conducted substantial and not isolated activity within Florida. Furthermore, pursuant Florida Stature 47.051. venue of this matter is proper in Palm Beach County because the action accrued in Palm Beach County.

5. Each Defendant:
  - a. compounds or compounded,
  - b. concerts or converted,
  - c. designs or designed,
  - d. imports or imported,
  - e. installs or installed,
  - f. manipulates or manipulated,
  - g. manufactures or manufactured,
  - h. mines or mined,
  - i. processes or processed,
  - j. removes or removed,
  - k. requires or required use of,
  - l. specifies or specified the use of ,
  - m. supervises or supervised the use of,
  - n. uses or used,
  - o. sells or sold,
  - p. supplies or supplied

asbestos or products containing substantial amounts of asbestos (Asbestos Products).

6. Defendants' Asbestos Products include, but are not limited to: ceramic products, friction products, insulation products, thermal products, joint compound, talc and various other asbestos-containing products.

7. Plaintiffs allege that the Defendants have, at all times materials to these causes of action, and through and including the present, maintained sufficient contact with the State of Florida and/or transacted substantial revenue producing business in the State of Florida to subject them to the jurisdiction of this Court pursuant to Florida statute 48.181 and/or 48.182 and/or 48.193 and/or 47.16.

### **BACKGROUND**

8. Plaintiff ROBERT LORD worked with and was exposed to asbestos and Asbestos Products that were mined, processed, supplied, manufactured, and distributed by the Defendants, or their predecessors.

9. Plaintiff was exposed to asbestos dust when he worked with and around Defendants' Asbestos Products.

10. Plaintiff and those working with and around them used Defendants' Asbestos Products in the intended manner and without significant change in the Asbestos Product's condition. Plaintiff relied upon the Defendants to instruct him and those working around him regarding the proper methods of handling the products, being unaware of the dangerous properties of asbestos.

11. Plaintiff ROBERT LORD's was exposed to Defendants' Asbestos while living with his step-father who worked at Florida Tile, Inc. from early 1970 until December of 1971. Additionally, Plaintiff ROBERT LORD was exposed to Defendant's Asbestos while working at Florida Tile, Inc. from 1971 until 1973, while working in the

construction industry in 1973-1974 and at the Conserve Chemicals facility from 1974-1977. Additionally, throughout the years, Plaintiff ROBERT LORD also used Defendant's Asbestos-Containing Brake Products (Bendix) on his and his family's vehicles.

12. Plaintiff's exposure to and inhalation of asbestos from Defendants' Asbestos Products caused him to contract an asbestos-related disease, specifically, malignant mesothelioma.

### **COUNT I – NEGLIGENCE**

13. Plaintiffs incorporate by reference into Count I all other relevant allegations in this complaint.

14. At the time of Plaintiff ROBERT LORD's exposure to Defendants' Asbestos Products, Defendants knew, or in the exercise of ordinary care should have known, that the use of their Asbestos Products was hazardous to the health of workers, consumers, bystanders, and family members. Plaintiff relied upon the skill and knowledge of the Defendants, who had a duty to advise users of their products and those who were reasonably expected to use, work with, service, repair and/or replace any of their Asbestos Products of the proper methods or handling and working around asbestos containing materials.

15. At the time of Plaintiff's exposure to Defendants' Asbestos Products, Defendants knew, or in the exercise of ordinary care should have known, that the potential hazards of their Asbestos Products were not obvious or otherwise known to ordinary users such as Plaintiff, or those working with or around him. Defendants had a duty to warn Plaintiff and those working with and around him, of any information

regarding the potential dangers of asbestos and the proper methods of handling and working around asbestos and asbestos-containing materials.

16. Defendants had a duty to exercise reasonable and ordinary care to the Plaintiff. Defendants negligently breached that duty in one, some, or all of the following respects:

- a. Defendants failed to adequately warn Plaintiff that Asbestos Products, including but not limited to ceramic products, friction products, insulation products, thermal products, joint compound, talc and various other asbestos-containing products contained asbestos and that exposure to such asbestos-containing products could be injurious to his health;
- b. Defendants failed to adequately warn Plaintiff that the ordinary handling, use, and servicing of their Asbestos Products would cause asbestos to become airborne and could be injurious to his health;
- c. Defendants failed to provide with their Asbestos Products necessary information regarding how Plaintiff could and should protect himself from asbestos in connection with the use of their Products, including safe handling and use, appropriate protective clothing and equipment, and other protective measures;
- d. Defendants failed to take reasonable steps to provide Plaintiff with information regarding the danger of exposure to asbestos in connection with their Asbestos Products, when those Products were being used or serviced by others;

- e. Defendants failed to provide warnings to Plaintiff regarding the danger of past exposures to asbestos in connection with the use of Defendants' Asbestos Products as additional information regarding the dangers of asbestos became available to them;
- f. Defendants failed to exercise reasonable care to develop, publish, adopt and disseminate safe methods of service, handling and installing asbestos containing materials in connection with their Asbestos Products having undertaken to develop, publish, adopt and disseminate other information regarding the service, handling and installation of such materials;
- g. Defendants failed to use reasonable care to ensure that their Asbestos Products were only distributed to, serviced and/or handled by entities and individuals who had been sufficiently trained in their safe use;
- h. Defendants failed to provide accurate information to Plaintiff and other members of the public regarding the dangers, of asbestos and their Asbestos Products by advertising, labeling and otherwise;
- i. Defendants further negligently misrepresented affirmatively and by omission that the Asbestos Products they manufactured, sold, or distributed were safe in their ordinary and foreseeable use, when such representation was untrue;
- j. Defendants failed to provide to Plaintiff the information that they provided to their own employees regarding the hazards of asbestos and their Asbestos Products;



- k. Defendants failed to test their Asbestos Products and/or failed to disseminate the results of tests that they did conduct;
- l. Defendants failed to warn or advise Plaintiff and others to cease all future exposure to asbestos, fumes, smoke, dust and fibers, and to keep away from the home environment asbestos dust and fibers on work clothes and tools;
- m. Defendants failed to develop and to place on the market non-asbestos containing materials that were reasonably available to them;
- n. Defendants' Asbestos Products were used in the manner in which they were intended to be used, however, Defendants' Asbestos Products failed to perform their purposes safely, in that they caused Plaintiff to develop terminal asbestos cancer, malignant mesothelioma and/or other asbestos-related diseases;
- o. Plaintiff's injuries are a direct and proximate result of Defendants' negligence as described above and Plaintiff has suffered damages as described herein.

WHEREFORE, Plaintiffs demand compensatory damages and trial by jury on all issues so triable in this cause.

**COUNT II – STRICT LIABILITY**

**(THIS COUNT DOES NOT APPLY TO PREMISES AND CONTRACTOR DEFENDANTS)**

17. Plaintiffs incorporate by reference into Count II all other relevant allegations in this complaint.

18. Defendants' Asbestos Products were defective in design at the time they manufactured and at the time Plaintiff was exposed to them.

19. At the time Plaintiff used and otherwise came into contact with Defendants' Asbestos Products, Defendants' products were being used in the manner and environment intended and without substantial or unexpected change affecting their condition.

20. Defendants' Asbestos Products contained design defects that made them unreasonably dangerous and unfit for their intended use, in that the products were designed to contain asbestos.

21. At the time of Plaintiff's exposure to Defendants' Asbestos Products, Defendants' Asbestos Products were unreasonably dangerous because of their design in that they failed to perform as safely as an ordinary consumer would expect when used in the intended manner and/or in a manner reasonably foreseeable to the Defendants.

22. At the time of Plaintiffs exposure to Defendants' Asbestos Products, Defendants' Asbestos Products were unreasonably dangerous because of their design in that the risk of harm from the design of those products in containing asbestos outweighed the benefits of use of the product.

23. Defendants' Asbestos Products were also defective in that they failed to contain sufficient warnings to advise Plaintiff that the ordinary and expected uses of the products could cause grave harm.

24. The lack of sufficient warning further rendered Defendants' Asbestos Products unreasonably dangerous and unfit for their intended and expected use.

25. Defendants' Asbestos Products were further defective because non-asbestos-containing substitutes were reasonable available to Defendants.

26. Plaintiff's injuries are a direct and proximate result of the defects in Defendants' Asbestos Products described above and Plaintiff has suffered damages as described herein.

WHEREFORE, Plaintiffs demand compensatory damages and trial by jury on all issues so triable in this cause.

### COUNT III

#### ALLEGATIONS AGAINST PREMISES DEFENDANTS

27. Plaintiffs incorporate by reference into Count III all other relevant allegations in this complaint.

28. Plaintiff ROBERT LORD worked at premises owned or controlled by **FLORIDA SOUTHERN COLLEGE; FLORIDA TILE, INC.** (sued individually and as successor-in-interest to LAKELAND TRANSITION HOLDINGS, INC. f/k/a FLORIDA TILE INDUSTRIES, INC. and SIKES CORPORATION); **G.F. ZIMMERMAN, INC.** (sued individually and as successor-in-interest to ZIMMERMAN CONSTRUCTION COMPANY); **MOSAIC FERTILIZER, LLC** (sued individually and as successor-in-interest to CONSERVE CHEMICAL COMPANY); and **REGISTER CONSTRUCTION & ENGINEERING, INC.** f/k/a KEENER-REGISTER CONSTRUCTION COMPANY; (Premises Defendants) at which he was exposed to asbestos products and dust from asbestos products.

29. During the relevant times, Premises Defendants knew or should have known of the dangers of asbestos and the foreseeable risk that respirable asbestos fibers

can be carried off the premises and transmitted to others. Despite this knowledge and the foreseeable risk, Premises Defendants failed to properly remove and abate said asbestos at its premises, thereby creating a condition which posed a danger to all who entered the premises and individuals who came in contact with those who had entered the premises. Premises Defendants did not warn of or cure this dangerous condition.

30. While present on premises owned or controlled by Premises Defendants, Plaintiff, ROBERT LORD was continuously exposed to asbestos and asbestos-containing dust without the provision of appropriate safeguards by Premises Defendants, who had the responsibility for such. As a result of Plaintiff, ROBERT LORD's exposure to asbestos and asbestos-containing dust, Plaintiff ROBERT LORD was exposed to this asbestos and asbestos-containing dust.

31. Plaintiffs would further show Plaintiff ROBERT LORD's injuries and diseases were the result of intentional acts and omissions and negligence and gross negligence in the use of asbestos at Premises Defendants. Premises Defendants failed to properly remove and abate said asbestos at these facilities during the time Plaintiff ROBERT LORD was working there.

32. Plaintiffs would show that Premises Defendants were negligent, grossly negligent, and committed certain intentional acts, all of which were the proximate cause of the disease and injuries resulting in mesothelioma from exposure to asbestos.

33. In particular, Plaintiffs would show that Premises Defendants demonstrated such an entire want of care as to establish that their acts and omissions were the result of actual conscious indifference to the rights, safety, and welfare of the

Plaintiffs, and that such intentional acts and omissions proximately caused Plaintiff ROBERT LORD's disease and injuries.

34. Specific intentional acts and acts constituting negligence and gross negligence committed by Premises Defendants that proximately caused Plaintiff ROBERT LORD's injuries and disease include:

(a) Failure to provide safe equipment for Plaintiff ROBERT LORD and those working with and around him to use;

(b) Failure to provide adequate safety measures and protection against deadly and life-threatening asbestos dust, all despite Premises Defendant's knowledge of the extreme risk of harm inherent to asbestos exposure;

(c) Failure to adequately warn Plaintiff ROBERT LORD, Plaintiff, ROBERT LORD, and those working with and around Plaintiff, ROBERT LORD of the inherent dangers of asbestos contamination and risk of exposing others to asbestos-containing dust;

(d) Failure to maintain the ambient and environmental conditions of the premises in proper and safe condition;

(e) Failure to take adequate precautions to ensure that workers did not carry asbestos-containing dust off the premises;

(f) Failure to adhere to industry safe standards and other established measures to protect workers and others from harm; and

(g) Failure to follow and adhere to various state and U.S. Government statutes, regulations and guidelines pertaining to asbestos and

the exposure to asbestos of individuals. Such failure constituted negligence *per se* at a minimum. Plaintiffs are not making claims for damages under federal law.

35. Plaintiffs would further show that Premises Defendants intentionally, knowingly, and due to negligence and gross negligence, failed to ensure that individuals such as Plaintiff ROBERT LORD were protected from the inhalation of asbestos and asbestos fibers. Such actions proximately caused Plaintiff ROBERT LORD's injuries and illness.

36. Additionally, specific actions or omissions on the part of Premises Defendants that proximately caused Plaintiff ROBERT LORD's injuries and illness include:

- (a) Attempting to remove asbestos dust in Plaintiff, ROBERT LORD's workplace without taking adequate precautions for the protection of workers in the vicinity and/or in the premises generally, and others with whom those individuals can come in contact;
- (b) Failing to provide proper protective gear for individuals exposed to asbestos;
- (c) Failing to provide adequate ventilation to ensure that individuals in the vicinity were not exposed to asbestos;
- (d) Failing to provide a proper and safe method for the use of asbestos and asbestos fibers;
- (e) Failing to adhere to industry safe standards and other established measures to protect workers from harm;

- (f) Failing to adequately warn of the extreme risk of danger of inherent to asbestos exposure;
- (g) Failing to ensure that workers and others on the premises did not carry asbestos fibers off the premises where they could injure and harm others; and
- (h) Failing to warn that asbestos fibers carried off the premises could injury and harm other individuals;

37. Premises Defendants demonstrated such an entire want of care as to establish that their acts and omissions alleged above were the result of actual conscious indifference to the rights, safety, and welfare of Plaintiffs.

#### COUNT IV

##### NEGLIGENCE AGAINST SUPPLIER DEFENDANTS

38. Plaintiffs incorporate by reference into Count IV all other relevant allegations in this complaint.

39. For all pertinent times, **UNION CARBIDE CORPORATION** and **VANDERBILT MINERALS LLC** (Supplier Defendants), individually, sold, distributed, and supplied asbestos and/or asbestos-containing product(s), which Plaintiff came in contact with and utilized, and asbestos which Plaintiff inhaled, causing his injuries and illnesses.

40. Defendants, as manufacturers, miners, shippers and/or suppliers of asbestos fibers to various locations owned and/or operated by asbestos product manufacturers, is liable to Plaintiffs for failure to warn of the health hazards of exposure to asbestos and failure to design and package their products of raw asbestos so as to adequately protect and warn users of the dangers of exposure to asbestos.

41. Further, Defendants are liable to Plaintiffs as professional vendors of asbestos-containing products, and as such, because of the Defendants' size, volume of business and merchandising practices, knew or should have known of the defects of the asbestos products it sold, and are negligent for failing to warn the users of potential health hazards from the use of said products.

42. Defendants are liable to Plaintiffs because they knew or should have known that the asbestos products, which they sold and supplied, were unreasonably dangerous in normal use, and their failure to communicate this information constitutes negligence. This negligence was the cause of Plaintiff's injuries, including, but not limited to, mesothelioma, asbestosis, asbestos-induced pleural disease, and other ill health effects.

43. These actions constitute malicious conduct and demonstrate negligence so willful and wanton as to evince a conscious disregard of the rights of Plaintiff and other persons who would come into contact with Supplier Defendants' products, or reckless indifference to the consequences despite the awareness of the Defendants that their conduct would cause injury to another. As such, these acts constitute willful and wanton negligence on the part of the Defendants.

#### **COUNT V**

#### **NEGLIGENCE AGAINST CONTRACTOR DEFENDANTS**

44. Plaintiffs incorporate by reference into Count V all other relevant allegations in this complaint.

45. The injuries of Plaintiff are a direct and proximate result of the negligence of each Defendant or its predecessor-in-interest in that said entities produced, designed,



sold or otherwise put into the stream of commerce, asbestos, asbestos-containing products or machinery requiring or calling for the use of asbestos or asbestos-containing products, which the Defendants knew, or in the exercise of ordinary care, should have known were deleterious and highly harmful to Plaintiff's health and well-being. Certain Defendants, **G.F. ZIMMERMAN, INC.** (sued individually and as successor-in-interest to **ZIMMERMAN CONSTRUCTION COMPANY**) and **REGISTER CONSTRUCTION & ENGINEERING, INC.** f/k/a **KEENER-REGISTER CONSTRUCTION COMPANY** created hazardous and deadly conditions to which Plaintiff was exposed and which caused Plaintiff to be exposed to a large amount of asbestos fibers. The Defendants were negligent in one, some or all of the following respects, among others, same being the proximate cause of Plaintiff's injuries:

- a) in failing to timely and adequately warn Plaintiff of the dangerous characteristics and serious health hazards associated with exposure to asbestos, asbestos-containing products or machinery requiring or calling for the use of asbestos and asbestos-containing products;
- b) in failing to provide Plaintiff with information as to what would be reasonably safe and sufficient wearing apparel and proper protective equipment and appliances, if in truth there were any, to protect Plaintiff from being harmed and disabled by exposure to asbestos, asbestos-containing products, or machinery requiring or calling for the use of asbestos or asbestos-containing products;
- c) in failing to place timely and adequate warnings on the containers of said asbestos, or asbestos-containing products, or on the asbestos-containing products themselves, and machinery requiring or calling for the use of asbestos or asbestos-containing products to warn of the dangers to health of coming into contact with said asbestos-containing products and machinery;

- d) in failing to take reasonable precautions or exercise reasonable care to publish, adopt and enforce a safety plan or safe method of handling and installing asbestos and asbestos-containing products, or utilizing the machinery requiring or calling for the use of asbestos or asbestos-containing products in a safe manner;
- e) in failing to develop and utilize a substitute material or design to eliminate asbestos fibers in the asbestos-containing products, and the machinery requiring or calling for the use of asbestos or asbestos-containing products;
- f) in failing to properly design and manufacture asbestos, asbestos-containing products, and machinery requiring or calling for the use of asbestos or asbestos-containing products for safe use under conditions of use that were reasonably anticipated;
- g) in failing to properly test said asbestos-containing products and machinery before they were released for consumer use; and
- h) in failing to recall or remove from the stream of commerce said asbestos-containing products or machinery or machinery requiring or calling for the use of asbestos or asbestos-containing products despite knowledge of the unsafe and dangerous nature of such products or machinery.

#### **COUNT VI- LOSS OF CONSORTIUM**

46. Plaintiffs incorporate by reference into Count VI all other relevant allegations in this complaint.

47. Plaintiff LOLA T. LORD is, and at all times has been the lawful spouse of Plaintiff ROBERT LORD since December 15, 1978. At the time that ROBERT LORD was diagnosed with mesothelioma, LOLA T. LORD was cohabitating with ROBERT LORD and enjoying his companionship and care.

48. As a direct and proximate result of the conduct described in the allegations contained in all Counts of this Complaint, Plaintiff LOLA T. LORD has suffered the loss of consortium and damage to the marital and social relationship including but not limited to the loss of ROBERT LORD's services, comfort, affection, and the effects of ROBERT LORD's disease upon Plaintiff ROBERT LORD and their relationship and daily activities, due to his injuries and disabilities. They have further incurred expenses for medical attention rendered to ROBERT LORD and will continue to incur such expenses.

WHEREFORE, Plaintiffs demand compensatory damages and trial by jury on all issues so triable in this case.

### DAMAGES

49. As a direct and proximate result of the negligence, carelessness, gross negligence, willful misconduct, strict liability, misrepresentation and willful omissions of the Defendants as described, Plaintiff contracted diseases and injuries causing the Plaintiff to suffer physical pain, and mental anguish.

50. Each exposure to the asbestos-containing products of Defendants was harmful and caused or contributed to Plaintiff's injuries. Plaintiff's injuries arose out of were connected to, and were incidental to, the manufacture, sale and distribution by Defendants of their asbestos-containing products.

51. As a direct and proximate result of the conduct described, Plaintiff was obliged to spend various sums of money to treat his diseases and injuries, and Plaintiff continues to be obliged for the expenses of same. As a direct and proximate result of Defendants' conduct, Plaintiff's enjoyment of life and earning capacity has been impaired and his life expectancy shortened.

52. From the time Plaintiff first learned of his disease, he has suffered mental and physical pain and anguish as a result of his disease. Additionally, Plaintiff is at an increased risk of death and has, and will incur, expenses to monitor his condition. Additionally Plaintiff, has suffered, and will continue to suffer, mental anguish.

53. As a direct and proximate result of the aforesaid, and since Plaintiff first learned of his aforementioned injuries, he has developed severe anxiety, hysteria or phobias, any or all of which have developed into a reasonable and traumatic fear of an increased risk of additional asbestos-caused or related disease, including, but not limited to, death resulting from exposure, directly and indirectly, to the asbestos products of the Defendants.

54. As a direct and proximate result of the aforesaid, Plaintiff has suffered, and will continue to suffer, ongoing psychological damage which may require future psychological and/or medical treatment.

55. As a direct and proximate result of the Defendants' conduct, Plaintiff has suffered, and will continue to suffer, a disintegration and deterioration of his family unit and his familial relationships, resulting in enhanced anguish, depression, and other symptoms of psychological stress and disorder.

56. For the reckless, willful, intentional, grossly negligent, and wanton acts and omissions of said Defendants previously alleged, Plaintiff, ROBERT LORD, is entitled to recover damages from said Defendants.

57. As a direct and proximate result of the conduct described in the allegations contained in all Counts of this Complaint, Plaintiff LOLA T. LORD has suffered the loss of consortium and damage to the marital and social relationship including but not limited

to the loss of ROBERT LORD's services, comfort, affection, and the effects of ROBERT LORD's disease upon Plaintiff ROBERT LORD and their relationship and daily activities, due to his injuries and disabilities. They have further incurred expenses for medical attention rendered to ROBERT LORD and will continue to incur such expenses.

WHEREFORE, Plaintiffs request judgment against the Defendants for compensatory damages as set forth above and Plaintiffs further seek interest, including prejudgment interest.

**DEMAND FOR JURY**

Plaintiffs demand trial by jury on all issues.

DATED: October 31, 2016

Respectfully submitted,

/s/ Joshua H. Eggnatz  
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IN THE CIRCUIT COURT OF THE 15<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, STATE OF FLORIDA, CIVIL  
DIVISION

GENERAL JURISDICTION DIVISION

CASE NO. \_\_\_\_\_

ROBERT LORD and  
LOLA T. LORD, his wife,

Plaintiffs,

Joshua H. Eggnatz: 0067926

vs.

FLORIDA SOUTHERN COLLEGE;  
FLORIDA TILE, INC. (sued individually and as  
successor-in-interest to LAKELAND TRANSITION  
HOLDINGS, INC. *f/k/a* FLORIDA  
TILE INDUSTRIES, INC. and SIKES CORPORATION);  
G.F. ZIMMERMAN, INC. (sued individually and as  
successor-in-interest to ZIMMERMAN  
CONSTRUCTION COMPANY);  
HONEYWELL INTERNATIONAL INC. (sued  
individually and as successor-in-interest to  
ALLIEDSIGNAL, INC., successor to BENDIX  
CORPORATION);  
MOSAIC FERTILIZER, LLC (sued individually  
And as successor-in-interest to CONSERVE  
CHEMICAL COMPANY);  
REGISTER CONSTRUCTION & ENGINEERING, INC.  
*f/k/a* KEENER-REGISTER CONSTRUCTION COMPANY;  
TILE COUNCIL OF NORTH AMERICA, INC.  
*f/k/a* TILE COUNCIL OF AMERICA, INC.;  
UNION CARBIDE CORPORATION;  
VANDERBILT MINERALS LLC,

Defendants.

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**INFORMATION FORM FOR: ROBERT LORD**

INFORMATION FORM FOR: ROBERT LORD

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All statements are based upon the information available to Plaintiffs and counsel at this time. Plaintiffs do not have personal knowledge regarding various aspects of these statements and investigation continues through the discovery process.

**Name:** Robert Lord

**Address:** 25 Linden St., Stuart, FL 34997-6335

**Date of Birth:** May 21, 1955

**Date of Death:** N/A

**Marital Status:** Married

**Date of Spouse's Death:** N/A

**Asbestos Disease:** Malignant Mesothelioma

**Documentation:** See Pathology Report attached to Complaint.

**Locations and Dates of Exposure:** Plaintiff intends to testify that he was exposed to Defendants' Asbestos while living with his step-father who worked at Florida Tile from early 1970 until December of 1971 at the Lakeland, Florida facility. Additionally, Plaintiff Robert Lord was exposed to Defendant's Asbestos while working as a laborer at Florida Tile from 1971 until 1973 at the same Lakeland, Florida facility. Additionally, while working in the construction industry from 1973-1974, on and around the campus of Florida Southern College in Lakeland, Florida, and at the Conserve Chemicals facility as a laborer from 1974-1977, in or around Polk County, Florida. Additionally, throughout the years, Plaintiff Robert Lord also used Defendant's Asbestos-Containing Brake Products (Bendix) on his and his family's vehicles.

**Collateral Source Payments:** Not applicable at this time other than medical expenses that have been paid for by his health insurance. Plaintiff is not aware of these costs at this time.

Furthermore, Plaintiff is not aware of any collateral source payments he may receive in the future.

**Potential Index Persons:** Randy Rossier (Asbestos-containing talc, insulation and other material while step-father was employed at Florida Tile and while Robert Lord was employed at Florida Tile; 1970-1971, 1971-1973).

**Date of Birth:** November 15, 1953

**Address:** 4370 Meadow Ridge Avenue  
Mulberry, FL 33860

**Marital Status:** divorced

**Relationship:** former co-worker at Florida Tile in Lakeland, Florida

Plaintiff reserves the right to supplement this form in accordance with the Florida Rules of Civil Procedure and Fourth Amended Omnibus Order governing this case.

INFORMATION FORM FOR: ROBERT LORD

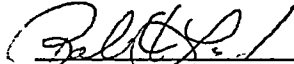
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AFFIRMATION OF ROBERT LORD

Under penalties of perjury, I declare that I have read the foregoing Information Form and that the facts stated in it are true, to the best of my knowledge and belief.

  
Robert Lord

**EXPOSURE SHEETS FOR:** Lord , Robert  
**NAME OF DEFENDANT:** Florida Southern College  
**PRODUCTS** Insulation, concrete and dry wall.  
**JOB OR FUNCTION:** Construction.  
**DATES AND JOBSITES** 1973-1975

**WITNESS** Robert Lord  
Date of Birth: May 21, 1955  
Address: 25 Linden Street  
Stuart, FL 34997

**EXPOSURE SHEETS FOR:**

**Lord , Robert**

**NAME OF DEFENDANT:**

**Honeywell International, Inc.**

**PRODUCTS**

Bendix brakes.

**JOB OR FUNCTION:**

Personal automotive work.

**DATES AND JOBSITES**

Personal use throughout entire life.

**WITNESS**

Robert Lord

Date of Birth: May 21, 1955

Address: 25 Linden Street  
Stuart, FL 34997

**EXPOSURE SHEETS FOR:**

**Lord , Robert**

**NAME OF DEFENDANT:**

**Florida Tile, Inc.**

**PRODUCTS**

Ceramic, talc and insulation products.

**JOB OR FUNCTION:**

Laborer at Florida Tile, Inc. facility.

**DATES AND JOBSITES**

Household exposure while stepfather worked there (1971)  
and exposure while Plaintiff worked there from 1972-1973.

**WITNESS**

Robert Lord

Date of Birth: May 21, 1955

Address: 25 Linden Street  
Stuart, FL 34997

Randy Rossier

Date of Birth: November 15, 1953

Address: 4370 Meadow Ridge Avenue  
Mulberry, FL 33860

**EXPOSURE SHEETS FOR:** Lord , Robert

**NAME OF DEFENDANT:** G.F. Zimmerman, Inc.

**PRODUCTS** Insulation, concrete and dry wall.

**JOB OR FUNCTION:** construction.

**DATES AND JOBSITES** 1973-1975.

**WITNESS**

Robert Lord

Date of Birth: May 21, 1955

Address: 25 Linden Street  
Stuart, FL 34997

**EXPOSURE SHEETS FOR:** Lord , Robert  
**NAME OF DEFENDANT:** Mosaic Fertilizer, LLC.  
**PRODUCTS** Insulation.  
**JOB OR FUNCTION:** Conserve Chemical facility.  
**DATES AND JOBSITES** 1975-1977.

**WITNESS** Robert Lord  
Date of Birth: May 21, 1955  
Address: 25 Linden Street  
Stuart, FL 34997

**EXPOSURE SHEETS FOR:**

**Lord , Robert**

**NAME OF DEFENDANT:**

**Register Construction & Engineering, Inc.**

**PRODUCTS**

Insulation, concrete and dry wall.

**JOB OR FUNCTION:**

Construction.

**DATES AND JOBSITES**

1973-1975.

**WITNESS**

Robert Lord

Date of Birth: May 21, 1955

Address: 25 Linden Street  
Stuart, FL 34997

**EXPOSURE SHEETS FOR:** Lord , Robert

**NAME OF DEFENDANT:** Tie Council.

**PRODUCTS** Ceramics, talc and insulation products.

**JOB OR FUNCTION:** Construction.

**DATES AND JOBSITES** 1971-1973.

**WITNESS**

Robert Lord  
Date of Birth: May 21, 1955  
Address: 25 Linden Street  
Stuart, FL 34997



**EXPOSURE SHEETS FOR:** Lord , Robert

**NAME OF DEFENDANT:** Union Carbide Corporation.

**PRODUCTS** Calidria asbestos containing products for the construction industry and insulation.

**JOB OR FUNCTION:** Various.

**DATES AND JOBSITES** 1971-1977.

**WITNESS** Robert Lord  
Date of Birth: May 21, 1955  
Address: 25 Linden Street  
Stuart, FL 34997

**EXPOSURE SHEETS FOR:** Lord , Robert

**NAME OF DEFENDANT:** Vanderbilt Minerals, LLC.

**PRODUCTS** Raw asbestos, talc and other asbestos-containing products.

**JOB OR FUNCTION:** Various.

**DATES AND JOBSITES** 1971-1977

**WITNESS**

Robert Lord  
Date of Birth: May 21, 1955  
Address: 25 Linden Street  
Stuart, FL 34997



**Pathology Report**

**Name:** LORD, ROBERT  
**Age:** 61 Y  
**DOB:** 05/21/1955  
**Sex:** M  
**Location:** BETHESDA TELEMTRY UNIT 3  
**Procedure Date:** 08/15/2016

**Specimen #:** SE-7956-16  
**Medical Record #:** 882147655  
**Patient #:** 1760055945  
**Specimen Received:** 08/16/2018  
**Report Date:** 08/17/2018  
**Signed Out By:** KENNETH BENGTON, M.D.

**Physician(s):** GEOFFREY LYNN, M.D.  
FERNANDO KELLER, M.D.

**FINAL REPORT**

History/Diagnosis: RIGHT PLEURAL EFFUSION

Operation Performed: RIGHT SIDED ASSISTED THORACIC SURGERY

Specimen: (9)  
1. PLEURAL BIOPSY, RIGHT PLEURAL MASS #1  
2. PLEURAL BIOPSY, RIGHT PLEURAL MASS #2

Gross Description :

1. Received in formalin labeled with the patient's name, medical record number, and 'right pleural mass biopsy 1' is a fragment of tan soft tissue measuring approximately 0.5 x 0.5 x 0.4 cm. Trisected and submitted in toto in one block. 1170

2. Received in formalin labeled with the patient's name, medical record number, and 'right pleural mass biopsy 2' is a fragment of tan soft tissue 1.4 x 1.3 x 0.5 cm. Serially sectioned and submitted in toto in one block. 1170 3010 3000x8 GGW/RB 8/16/2016

Microscopic Description :

Microscopic slides examined on all non gross only specimens.

DIAGNOSIS:

1. RIGHT PLEURAL MASS BIOPSY 1:  
- MESOTHELIOMA

2. RIGHT PLEURAL MASS BIOPSY 2:  
- MESOTHELIOMA

Comment:

The biopsies contain expansile proliferations of atypical mesothelial cells. There is only limited inflammatory cell component. Immunostains were performed on specimen 2. Calretinin, CK5/6, CK7 and WT-1 immunostains are positive in tumor cells. TTF1, S-100, MOC31, CK20 and BER- EP4 immunostains are negative CD45 immunostain highlights a few reactive small lymphocytes. The morphologic and immunohistochemical features are consistent with mesothelioma. Internal consult obtained. Outside peer review is pending, addendum to follow.

J.E. Oliveira, M.D., FCAP Director  
J.L. Oliveira, D.O., FCAP

K.L. Bengtson, M.D., FCAP  
S. A. Umar, M.D.

P.A. Rabionet, M.D., FCAP  
G.G. Wang, M.D. FCAP

Bethesda Hospital East, 2815 South Seacrest Boulevard, Boynton Beach, FL 33435  
(561) 737-7733



Bethesda Health  
Bethesda Hospital East  
Pathology

**Pathology Report**

**Name:** LORD, ROBERT  
**Age:** 61 Y  
**DOB:** 05/21/1955  
**Sex:** M  
**Location:** BETHESDA TELEMTRY UNIT 3  
**Procedure Date:** 08/15/2016

**Specimen #:** SE-7956-16  
**Medical Record #:** 882147655  
**Patient #:** 1760055945  
**Specimen Received:** 08/16/2016  
**Report Date:** 08/17/2016  
**Signed Out By:** KENNETH BENGTON, M.D.

*Kenneth Bengton*

"Electronic Signature"  
KENNETH BENGTON, M.D.  
08/17/2016 at 16:43

"End of Report"

J.E. Oliveira, M.D., FCAP Director  
J.L. Oliveira, D.O., FCAP

K.L. Bengton, M.D., FCAP  
S. A. Umar, M.D.

P.A. Rabionet, M.D., FCAP  
G.G. Wang, M.D. FCAP

Bethesda Hospital East, 2815 South Seacrest Boulevard, Boynton Beach, FL 33435  
(561) 737-7733

# SURGICAL PATHOLOGY REPORT

Specimen #: \_\_\_\_\_  
Date of Procedure: \_\_\_\_\_  
Date of Receipt: \_\_\_\_\_  
Date of Report: \_\_\_\_\_  
Location: \_\_\_\_\_

S16-100247  
8/19/2016  
8/19/2016  
8/22/2016

Patient Name: LORD, ROBERT P  
Patient ID #: \_\_\_\_\_  
DOB: 5/21/1955 (Age: 61) M  
City: 501 - 441-0500  
Home Phone: \_\_\_\_\_  
Cell: \_\_\_\_\_  
Address: BETHESDA MEMORIAL HOSPITAL  
DEPARTMENT OF PATHOLOGY  
2015 SOUTH SEACREST BOULEVARD  
DAVENPORT BEACH, FL 33455-7600  
Fax: P: 561-737-7733 (Ext: 026) F: 1581-733-7070  
Physician: KENNETH BENGTSON, M.D.

SPECIMEN SUBMITTED:  
L10 SLIDES (SE-7056-10)

## FINAL DIAGNOSIS

Class, right, mass #1 and mass #2, biopsies (SE-7056-10; 015/10) - Malignant mesothelioma, epithelioid type. (See comment).

Wch 08/22/2016

COMMENT:  
Sections show fragments of a malignant epithelioid neoplasm in a fibrinous exudate. The malignant cells are arranged in sheets. There are numerous luminal spaces of varying shapes and sizes, some of which contain mucin. Your mucicarmum show that the neoplastic cells are positive for CK7, calretinin, CK5/6 and WT-1 and negative for CK20, MOC-31 and TTF-1, supporting the diagnosis.

If you'd like me to see this interesting case.

Dr. Mukhopadhyay, M.D.  
lecturer, Scripps

## CLINICAL DATA

61-year-old man presented with a large right pleural effusion. At the time of video-assisted pleurodesis, there was a tremendous amount of rind throughout the pleura. Some of the lesions were 2 cm in size.

This information performed at Cleveland Clinic, 9500 Euclid Ave, Cleveland OH 44195.

ROBERT P.

BETHESDA MEMORIAL HOSPITAL  
END OF REPORT