

CORPORATION; VERIZON COMMUNICATIONS, INC., individually and as successor to GTE OPERATIONS SUPPORT INCORPORATED, GTE CORPORATION, GTE SYLVANIA INCORPORATED, SYLVANIA-CORNING NUCLEAR CORPORATION, GT&E SYLVANIA INCORPORATED, SYLVANIA ELECTRIC PRODUCTS INCORPORATED, and GENERAL TELEPHONE & ELECTRONICS CORPORATION; GTE OPERATIONS SUPPORT INCORPORATED, individually and as successor to GTE CORPORATION, GTE SYLVANIA INCORPORATED, SYLVANIA-CORNING NUCLEAR CORPORATION, GT&E SYLVANIA INCORPORATED, SYLVANIA ELECTRIC PRODUCTS INCORPORATED, and GENERAL TELEPHONE & ELECTRONICS CORPORATION; CORNING, INCORPORATED, individually and as successor to SYLVANIA-CORNING NUCLEAR CORPORATION; HARRIS CORPORATION, individually and as successor to HARRIS INTERTYPE CORPORATION and PRD ELECTRONICS; BARSON COMPOSITES CORPORATION; AIR TECHNIQUES INC.; ANCHOR/LITH KEM KO, individually and as successor to ANCHOR CHEMICAL COMPANY; FUJI HUNT PHOTOGRAPHIC CHEMICALS, INC., individually and as successor to ANCHOR/LITH KEM KO; FUJI PHOTO FILM USA, INC, individually and as successor to ANCHOR/LITH KEM KO; FIRST INDUSTRIAL, L.P.; JERRY SPIEGEL ASSOCIATES; GILBERT DISPLAYS REALTY CO., LLC; MAGAZINE DISTRIBUTORS, CORP.; GENERAL INSTRUMENT CORPORATION, individually and as successor to GENERAL INSTRUMENT CORPORATION; GENERAL SEMICONDUCTOR INTERNATIONAL CORPORATION, individually and as successor to GENERAL INSTRUMENT CORPORATION; GENERAL SEMICONDUCTOR, INC., individually and as successor to GENERAL INSTRUMENT CORPORATION; VISHAY INTERTECHNOLOGY, INC., individually and as successor to GENERAL INSTRUMENT CORPORATION; K.B. CO.; A-T REALTY; 600 WEST JOHN LLC; and HARBOR DISTRIBUTING CORP. 5/6/14

*Anchor Distributive Corporation.*  
Defendants.

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C-10

Plaintiffs, by their attorneys, SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, P.C., state and allege the following upon information and belief:

### INTRODUCTION

1. Plaintiffs bring this action against Defendants seeking redress for injuries they have suffered in the past and will continue to suffer as a result of Defendants' reckless, grossly negligent and negligent operation, ownership, remediation, and/or decommissioning of a nuclear materials processing facility first operated by SYLVANIA ELECTRIC PRODUCTS INCORPORATED, which is now known as VERIZON (hereinafter referred to as the "Sylvania Facility"), and/or other facilities and/or properties which emitted toxins into the surrounding environment located in Hicksville, New York near Cantiague Park, which upon information and belief is a part of the Nassau County Parks System. Throughout the operational history of these facilities, unbeknownst to plaintiffs and other residents of this community who were unaware that there was a nuclear processing facility and other facilities utilizing hazardous chemical materials in their neighborhood, defendants caused and/or allowed the release of radioactive, hazardous and other toxic substances into the surrounding environment. These releases have contaminated the air, soil, surface water and ground water in the surrounding communities. The damages directly and proximately caused by Defendants include cancer and related injuries, wrongful death and diminished property values.

## II.

### JURISDICTION

2. This action arises under the United States Price Anderson Act, 42 U.S.C. §2210 et seq., as hereinafter more fully appears. Section 2210(n)(2) of that Act provides an express grant of jurisdiction to the United States District Courts and grants jurisdiction to this Court to consider Plaintiffs' claims.

3. This action arises under the United States Atomic Energy Act, 42 U.S.C. §2011, et seq., and the United States Price Anderson Act, 42 U.S.C. §2210 et seq., as hereinafter more fully appears. Therefore, this court also has jurisdiction over Plaintiffs' claims by virtue of 28 U.S.C. §1331.

4. Because this action also arises under laws of the United States regulating commerce, this court has jurisdiction over Plaintiffs' claims by virtue of 28 U.S.C. §1337, as hereinafter more fully appears. Both the Atomic Energy Act, 42 U.S.C. §2011 et seq., and the Price Anderson Act, 42 U.S.C. §2210 et seq., regulate commerce in the nuclear fuels and nuclear power industry.

5. Because Plaintiffs' state law claims arise out of the same case or controversy as their federal claims, this court has jurisdiction over those ancillary and pendant state law claims by virtue of 28 U.S.C. §1367(a).

## III.

### VENUE

6. Venue is proper in this judicial district pursuant to 28 U.S.C. 1391(b)(2) and 42 U.S.C. 2210(n)(2) because Plaintiffs' causes of action arose in this district and because the nuclear incidents giving rise to Plaintiffs' claims transpired in this district.

#### IV.

#### THE PARTIES

7. The following persons are Plaintiffs in this action:

(a) Melvin Schwinger currently resides at 2 Hickory Lane, Closter, New Jersey. From the time period beginning in September of 1959 and ending in or around July of 2000, Melvin Schwinger resided at 15 Jackie Drive, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations at or near the Sylvania facility, Melvin Schwinger developed multiple myeloma. While prior to the development of the disease Melvin Schwinger had been a healthy and active person, the onset of the cancer had a debilitating effect on his life, causing him severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income.

(b) Libby Rosenberg and Harvey Rosenberg currently reside at 1985-2 Cedar Swamp Road, Brookville, New York. From the time period beginning in October of 1967 and ending in or around January of 1985, Libby Rosenberg resided at 25 Marshall Lane, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations at or near the Sylvania facility, Libby Rosenberg developed multiple myeloma. While prior to the development of the disease Libby Rosenberg had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Harvey Rosenberg also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(c) Craig Weiss, as Executor of the Estate of Milton Weiss ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent. From 1959 until his death in 1986, decedent lived at 18 Laura Drive, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, decedent developed lung cancer. While prior to the development of his disease decedent had been a healthy and active person, the onset of cancer had a debilitating effect on his life, causing severe physical injury, pain and suffering, and mental and emotional damage, as well as causing him to incur medical and related expenses. This same disease ultimately lead to his death in 1986.

(d) Craig Weiss, as Executor of the Estate of Evelyn Weiss ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent. From 1959 until her death in 1982, decedent lived at 18 Laura Drive, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, decedent developed pancreatic and liver cancer. While prior to the development of her disease decedent had been a healthy and active person, the onset of cancer had a debilitating effect on her life, causing severe physical injury, pain and suffering, and mental and emotional damage, as well as causing her to incur medical and related expenses. This same disease ultimately lead to her death in May of 1982.

(e) Yolanda Malizia and Alfonse Malizia currently reside at 14 Jackie Drive, Westbury, New York. From the time period beginning in 1959 and continuing until the present, Yolanda Malizia has resided at 14 Jackie Drive, Westbury, New York within close proximity of the

Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Yolanda Malizia developed B cell lymphoma. While prior to the development of the disease Yolanda Malizia had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Alfonse Malizia also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(f) Susan Maiers Wiseman currently resides at 35 Heathcote Drive, Mt. Kisco, New York. From the time period beginning in 1963 and ending in or around the fall of 1977, Susan Maiers Wiseman resided at 85 Sunnyside Lane, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility nuclear materials facilities, Susan Maiers Wiseman developed breast and kidney cancer and experienced twelve miscarriages. While prior to the development of the disease Susan Maiers Wiseman had been a healthy and active person, the onset of the cancers had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income.

(g) Stanley Ebner and Sydell Ebner currently resides at 1680 Brookhouse Circle, Sarasota, Florida. From the time period beginning in 1960 and ending in 1997, Stanley Ebner resided at 64 Sunnyside Lane, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Stanley Ebner developed

prostate and throat cancer. While prior to the development of the disease Stanley Ebner had been a healthy and active person, the onset of the cancers had a debilitating effect on his life, causing him severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Sydell Ebner also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(h) Michelle Lax and Barry L. Garber currently reside at 11910 Minor Jones Drive, Owings Mills, Maryland. From the time period beginning in 1959 and ending in or around 1977, Michelle Lax resided at 10 Neil Court, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Michelle Lax developed breast cancer. While prior to the development of the disease Michelle Lax had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Barry L. Garber also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future

(i) Seth Paster and Julie Paster currently reside at 5 Max Way, Commack, New York. From the time period beginning in November of 1989 and ending in or around April of 1995, Seth Paster resided at 46 Robbins Lane, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Seth Paster developed thyroid cancer. While prior to the development of the disease Seth Paster

had been a healthy and active person, the onset of the cancer had a debilitating effect on his life, causing him severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Julie Paster also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(j) Vicki Schaffler and Harvey Schaffler currently reside at 62 Hofstra Drive, Plainview, New York. From the time period beginning in October of 1977 and ending in or around October of 1984, Vicki Schaffler resided at 38 Bonnie Drive, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Vicki Schaffler developed breast cancer. While prior to the development of the disease Vicki Schaffler had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Harvey Schaffler also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(k) Patricia Dick and Arnold Dick currently reside at 21662 Arriba Real, Boca Raton, Florida. From the time period beginning in 1959 and ending in or around 1995, Patricia Dick resided at 76 Sunnyside Lane, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Patricia Dick developed breast cancer. While prior to the development of the disease Patricia Dick had been a healthy and active person, the onset of the cancer had a debilitating effect on her life,

causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Arnold Dick also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(l) Jo Ann Esteves and Eflen Esteves currently reside at 39 Highwood Road, East Norwich, New York. From the time period beginning in 1963 and ending in or around 1979, Jo Ann Esteves resided at 6 Laura Drive, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Jo Ann Esteves developed Non-Hodgkin's lymphoma and chronic lymphocytic leukemia. While prior to the development of the disease Jo Ann Esteves had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Eflen Esteves also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(m) Arline Lesser and Melvin Lesser currently reside at P.O. Box 241, East Norwich, New York. From the time period beginning in 1963 and ending in or around 1999, Arline Lesser resided at 6 Laura Drive, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Arline Lesser developed Non-Hodgkin's lymphoma. While prior to the development of the disease Arline Lesser had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and

emotional damage, as well as extensive medical expenses and lost income. Melvin Lesser also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(n) Jerry Flax and Roberta Flax currently reside at 9711 Northwest 51 Street, Coral Springs, Florida. From the time period beginning in 1972 and ending in or around 1973, Jerry Flax resided at 31 Marilyn Lane, Westbury, New York within close proximity of the Sylvania facility site. From the time period beginning in 1977 and ending in or around 1989, Jerry Flax resided at 87 Sunnyside Drive, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Jerry Flax developed stomach cancer. While prior to the development of the disease Jerry Flax had been a healthy and active person, the onset of the cancer had a debilitating effect on his life, causing him severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Roberta Flax also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(o) Irving Drillings and Arlette Drillings currently reside at 4740 South Ocean Boulevard, Apartment 1501, Highland Beach, Florida. From the time period beginning in 1959 and ending in or around 1988, Irving Drillings resided at 10 Laura Drive, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Irving Drillings developed prostate cancer. While prior to the development of the disease Irving Drillings had been a healthy and active person, the onset of the cancer had a debilitating effect on his life, causing him severe physical injury, pain and suffering, and mental

and emotional damage, as well as extensive medical expenses and lost income. Arlette Drillings also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(p) Stephanie Seberg, as Executrix of the Estate of Helen Sadles ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent. From 1960 until 1976, decedent lived at 22 Neil Court, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, decedent developed breast, liver and gall bladder cancer. While prior to the development of her cancer decedent had been a healthy and active person, the onset of the cancers had a debilitating effect on her life, causing severe physical injury, pain and suffering, and mental and emotional damage, as well as causing her to incur medical and related expenses. This same disease ultimately lead to her death in February of 2002.

(q) Stephanie Seberg, as Executrix of the Estate of Stanley Sadles ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent. From 1960 until 1976, decedent lived at 22 Neil Court, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, decedent developed carcinoid tumors. While prior to the development of his disease decedent had been a healthy and active person, the onset of the cancers had a debilitating effect on his life, causing severe physical injury, pain and suffering, and mental and emotional damage, as well as causing him to incur medical and related expenses. This same disease ultimately lead to his death in 1993.

(r) Sidell Einbinder, as Executrix of the Estate of Joseph Einbinder ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent. From 1959 until 1986, decedent lived at 23 Marilyn Lane, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, decedent developed kidney and brain cancer. While prior to the development of his disease decedent had been a healthy and active person, the onset of the cancers had a debilitating effect on his life, causing severe physical injury, pain and suffering, and mental and emotional damage, as well as causing him to incur medical and related expenses. This same disease ultimately lead to his death in 1993.

(s) Omos Maiers, individually, and as Executor of the Estate of Audrey Maiers ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent and his own claim for property damage. From 1963 until her death in 1996, decedent lived at 85 Sunnyside Lane, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, decedent developed lung cancer. While prior to the development of her disease decedent had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing severe physical injury, pain and suffering, and mental and emotional damage, as well as causing her to incur medical and related expenses. This same disease ultimately lead to her death in 1996.

(t) Daniel Greenberg and Nancy Greenberg currently reside at 7045 Southwest 110<sup>th</sup> Terrace, Miami, Florida. From the time period beginning in 1965 and ending in or around 1970,

Daniel Greenberg resided at 27 Barrie Dune, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Daniel Greenberg developed prostate cancer. While prior to the development of the disease Daniel Greenberg had been a healthy and active person, the onset of the cancer had a debilitating effect on his life, causing him severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Nancy Greenberg also claims damages for loss of services and consortium and for medical and related expenses incurred and to be incurred in the future.

(ii) Allison Dick currently resides at 6 Dudley Road, Lexington, Massachusetts. From the time period beginning in 1959 and ending in or around 1981, Allison Dick resided at 76 Sunnyside Lane, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Allison Dick developed thyroid cancer. While prior to the development of the disease Allison Dick had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income.

(v) Morris Schulman, as Executor of the Estate of Doris Schulman ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent. From 1960 until 1983, decedent lived at 39 Robbins Lane, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility,

decedent developed Hodgkins Disease and breast cancer. While prior to the development of her disease decedent had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing severe physical injury, pain and suffering, and mental and emotional damage, as well as causing her to incur medical and related expenses. This same disease ultimately lead to her death in 1984.

(w) Jack Schiff, as Executor of the Estate of Robert Schiff ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent. From 1970 until his death in August of 1992, decedent lived at 27 Robbins Lane, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, decedent developed multiple myeloma. While prior to the development of his disease decedent had been a healthy and active person, the onset of cancer had a debilitating effect on his life, causing severe physical injury, pain and suffering, and mental and emotional damage, as well as causing him to incur medical and related expenses. This same disease ultimately lead to his death in 1992.

(x) Jack Schiff, as Executor of the Estate of Frances Schiff ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent. From 1970 until her death in July of 1983, decedent lived at 27 Robbins Lane, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, decedent developed lung cancer. While prior to the development of her disease decedent had been a healthy and active person, the onset of cancer had a debilitating effect on her life, causing severe physical injury, pain and suffering, and mental and emotional damage, as

well as causing her to incur medical and related expenses. This same disease ultimately lead to her death in 1983.

(y) Yvette Cohen, as Executrix of the Estate of David Cohen ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent. From 1959 until his death in 1984, decedent lived at 7 Robbins Lane, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, decedent developed lung cancer. While prior to the development of his disease decedent had been a healthy and active person, the onset of cancer had a debilitating effect on his life, causing severe physical injury, pain and suffering, and mental and emotional damage, as well as causing him to incur medical and related expenses. This same disease ultimately lead to his death in 1984.

(z) Yvette Cohen currently resides at 5435 Monterey Circle, No. 21, Delray Beach, Florida. From the time period beginning in 1959 and ending in or around 1995, Yvette Cohen resided at 7 Robbins Lane, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Yvette Cohen developed an enlarged heart. While prior to the development of the disease Yvette Cohen had been a healthy and active person, the onset of the disease had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income.

(aa) Ruth Knipel currently resides at 10 Bonnie Drive, Westbury, New York. From the time period beginning in 1965 through the present, Ruth Knipel resided at 10 Bonnie Drive,

Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of hazardous and radioactive substances into the area surrounding their operations on or near the Sylvania facility, Ruth Knipel developed basil cell carcinoma. While prior to the development of the disease Ruth Knipel had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Alexander Knipel claims damages for loss of services and consortium.

(bb) Alexander Knipel currently resides at 10 Bonnie Drive, Westbury, New York. From the time period beginning in 1965 through the present, Alexander Knipel resided at 10 Bonnie Drive, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Alexander Knipel developed melanoma. While prior to the development of the disease Alexander Knipel had been a healthy and active person, the onset of the cancer had a debilitating effect on his life, causing him severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income. Ruth Knipel claims damages for loss of services and consortium.

(cc) Beatrice Arnel, as Executrix of the Estate of Harvey Arnel ("decedent"), brings an action for both conscious pain and suffering and wrongful death on behalf of the decedent. From 1959 until approximately 1966, decedent lived at 76 Cedar Road, Westbury, New York, in close proximity to the Sylvania facility. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, decedent developed lung cancer. While prior to the development of his disease

decedent had been a healthy and active person, the onset of cancer had a debilitating effect on his life, causing severe physical injury, pain and suffering, and mental and emotional damage, as well as causing him to incur medical and related expenses. This same disease ultimately lead to his death in 1997.

(dd) Beatrice Arnel currently resides at 20094 Palm Island Drive, Boca Raton, Florida. From the time period beginning in 1959 and ending in or around 1966, Beatrice Arnel resided at 76 Cedar Road, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Beatrice Arnel developed sarcoma. While prior to the development of the disease Beatrice Arnel had been a healthy and active person, the onset of the cancer had a debilitating effect on her life, causing her severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income.

(ee) Phillip Hirsch currently resides at 20505 East Country Club Drive, Aventura, Florida. From the time period beginning in 1964 through approximately 1984, Phillip Hirsch resided at 27 Wedgewood Drive, Westbury, New York within close proximity of the Sylvania facility site. As a result of Defendants' repeated releases of toxic, hazardous and/or radioactive substances into the area surrounding their operations on or near the Sylvania facility, Phillip Hirsch developed prostate cancer. While prior to the development of the disease Philip Hirsch had been a healthy and active person, the onset of the cancer had a debilitating effect on his life, causing him severe physical injury, pain and suffering, and mental and emotional damage, as well as extensive medical expenses and lost income.

8. The following persons are Defendants in this action:

a. Defendant VERIZON, INC., individually and as successor to GTE OPERATIONS SUPPORT INCORPORATED, GTE CORPORATION, GTE SYLVANIA INCORPORATED, SYLVANIA ELECTRIC PRODUCTS INCORPORATED, GT&E SYLVANIA INCORPORATED and GENERAL TELEPHONE & ELECTRONICS CORPORATION is a foreign corporation authorized to do business in the State of New York with its principal place of business at 1095 Avenue of the Americas, New York, New York 10036.

b. Defendant VERIZON COMMUNICATIONS, INC., ("VERIZON") Individually and as successor to GTE OPERATIONS SUPPORT INCORPORATED, GTE CORPORATION, GTE SYLVANIA INCORPORATED, SYLVANIA-CORNING NUCLEAR CORPORATION, GT&E SYLVANIA INCORPORATED, SYLVANIA ELECTRIC PRODUCTS INCORPORATED, and GENERAL TELEPHONE & ELECTRONICS CORPORATION is a foreign corporation authorized to do business in the State of New York with its principal place of business at 1095 Avenue of the Americas, New York, NY 10036.

c. Defendant GTE OPERATIONS SUPPORT INCORPORATED, individually and as successor to GTE CORPORATION, GTE SYLVANIA INCORPORATED, SYLVANIA-CORNING NUCLEAR CORPORATION, GT&E SYLVANIA INCORPORATED, SYLVANIA-CORNING NUCLEAR CORPORATION, GT&E SYLVANIA INCORPORATED, SYLVANIA ELECTRIC PRODUCTS INCORPORATED and GENERAL TELEPHONE & ELECTRONICS CORPORATION is a foreign corporation authorized to do business in the State of New York with its principal place of business as 1225 Corporate Drive, Irving, Texas 75038.

d. Defendant, GTE CORPORATION, is a domestic corporation with its principal place of business at 1095 Avenue of the Americas, New York, NY 10036.

- e. Defendant, CORNING INCORPORATED, individually and as successor to SYLVANIA-CORNING NUCLEAR CORPORATION, is a domestic corporation with its principal place of business at One Riverfront Plaza, Corning, New York 14831.
- f. Defendant, HARRIS CORPORATION, individually and as successor to HARRIS INTERTYPE CORPORATION and PRD ELECTRONICS, is a foreign corporation authorized to do business in the State of New York with its principal place of business at 1025 West NASA Boulevard, Melbourne, Florida 32919.
- g. Defendant, BARSON COMPOSITES CORPORATION, is a foreign corporation authorized to do business in the State of New York with its principal place of business at 160 Sweet Hollow Road, Old Bethpage, New York 11804.
- h. Defendant, AIR TECHNIQUES, INC., is a domestic corporation with its principal place of business at 70 Cantiague Rock Road, Hicksville, New York 11801.
- i. Defendant, FUJI HUNT PHOTOGRAPHIC CHEMICALS, INC., individually and as successor to ANCHOR/LITH KEM KO is a foreign corporation with its principal place of Business at 115 West Century Road, Paramus, New Jersey 07652.
- j. Defendant, FUJI PHOTO FILM USA, INC., individually and as successor to ANCHOR/LITH KEM KO, is a foreign corporation with its principal place of business at 555 Taxter Road, Elmsford, New York 10523.
- k. Defendant, FIRST INDUSTRIAL, L.P., is a partnership authorized to do business in the State of New York with its principal place of business at 311 S. Wacker Drive, Suite 4000, Chicago, Illinois 60606.
- l. Defendant, JERRY SPIEGEL ASSOCIATES, is a domestic corporation with its principal place of business at 375 North Broadway, Jericho, New York 11753.

- m. Defendant, GILBERT DISPLAYS REALTY CO., LLC, is a domestic corporation with its principal place of business at 140 Cantiague Rock Road, Hicksville, New York 11801.
- n. Defendant, MAGAZINE DISTRIBUTORS INCORPORATED, is a foreign corporation authorized to do business in the State of New York with its principal place of business at 100 Cantiague Rock Road, Hicksville, New York 11801.
- e. Defendant, GENERAL INSTRUMENT CORPORATION, individually and as successor to GENERAL INSTRUMENT CORPORATION, is a foreign corporation authorized to do business in the State of New York with its principal place of business at 101 Tournament Drive, Horsham, Pennsylvania 19044.
- p. Defendant, GENERAL SEMICONDUCTOR INTERNATIONAL CORPORATION individually and as successor to GENERAL INSTRUMENT CORPORATION, is a domestic corporation with its principal place of business at 10 Melville Road, Melville, New York 11747.
- q. Defendant, GENERAL SEMICONDUCTOR, INC., individually and as successor to GENERAL INSTRUMENT CORPORATION, is a domestic corporation with its principal place of business at 10 Melville Road, Melville, New York 11747.
- r. Defendant, VISHAY INTERTECHNOLOGY, INC., individually and as successor to GENERAL INSTRUMENT CORPORATION, is a foreign corporation authorized to do business in the State of New York with its principal place of business at 63 Lincoln Highway, Malverne, Pennsylvania, 19355.
- s. Defendant, K.B. CO., is a domestic corporation with its principal place of business at 375 N. Broadway, Jericho, New York 11753.
- t. Defendant A-T REALTY, is a domestic corporation with its principal place of business at 170 Old Country Road, Mineola, New York 11501.

u. Defendant, 600 WEST JOHN LLC, is a domestic corporation with its principal place of business at c/o Cammeby's International, 45 Broadway, 25<sup>th</sup> Floor, New York, NY 10006.

v. Defendant, HARBOR DISTRIBUTING CORP., is a domestic corporation with its principal place of business at 120 Bethpage Road, Hicksville, NY 11801.

w. Defendant listed in paragraphs "a" through "e" will be referred to herein as the "VERIZON DEFENDANTS".

x. Defendant listed in paragraphs "f" through "v" will be referred to herein as the "NON-VERIZON DEFENDANTS".

9. At all times material hereto, each Defendant corporation, by itself or through its agents, is or has been engaged in the transporting, generating, processing, utilizing, releasing, sale, distribution, and/or disposal of nuclear materials and/or other toxic substances at facilities located at, in, near or around premises now known as 70 Cantiague Rock Road, 100 Cantiague Rock Road, 140 Cantiague Rock Road, 500 West John Street, 600 West John Street, Hicksville, New York and/or owned property that was used for these activities. Such facilities and/or the property thereon, including the Syivania facility, are, or were at all times material hereto, owned, operated, maintained and/or utilized by these Defendants or by their agents.

10. Plaintiffs would show that for a period of many years, either they, or where applicable, their Decedents, were exposed to hazardous, toxic or radioactive substances released by Defendants into the environment, including the air, water, and soil, of the aforementioned location.

Plaintiffs would show that either they or, where applicable, their Decedents, have been exposed on numerous occasions to hazardous, toxic or radioactive substances released or emanating from Defendants' facilities and/or properties, and have thereby inhaled, ingested or otherwise absorbed into their bodies such substances. Plaintiffs further allege, that either they or their

Decedent have suffered personal injuries directly and proximately caused by their exposure to hazardous, toxic or radioactive substances released, emitted, or emanating from Defendants' facilities and/or properties. Plaintiffs would also show that their property has been contaminated by pollutants released or emanating from Defendants' facilities.

11. Plaintiffs allege that either they, or where applicable, their Decedents were exposed to hazardous, toxic or radioactive substances known to cause disease and that each exposure caused or contributed to Plaintiffs' or Plaintiffs' decedents' injuries and/or death. Similarly, Plaintiffs claim that their property has been damaged by hazardous and/or radioactive waters released from Defendants' facilities and that these recurring releases caused or contributed to that property damage.

#### VIII.

#### RELEVANT FACTS

12. Beginning in or about 1952, Sylvania Electric Products, Inc. acquired property located at the aforementioned location where, first in a farmhouse, which was demolished in or about 1957, and then in other structures, they manufactured atomic fuel elements. Both uranium and thorium as well as other toxic substances, were used in the manufacture of reactor parts. Upon information and belief, the nuclear waste from this manufacturing process was discharged into the drinking water and air of the adjoining residential neighborhood where the plaintiffs herein resided. These radioactive materials, their by-products and their decay, or "daughter," products are highly toxic and carcinogenic. At no time were any of the plaintiffs, or, upon information and belief, any of the other residents of their neighborhood, ever informed of the presence of a nuclear processing facility in their neighborhood nor were they ever warned of the attendant dangers of having a nuclear processing facility in their neighborhood. Since the closure of the

Sylvania facility at least two (2) wells which supply drinking water to plaintiffs' neighborhood have been closed as a result of the contamination caused by the Sylvania Facility. Each of the Verizon defendants, alone or with each other, owned, operated, managed and maintained the Sylvania facility.

13. The Non-Verizon Defendants caused and/or permitted chemical contamination and/or other toxins from their operations and properties at the aforementioned facility to be discharged into the ground water utilized by plaintiffs. Operations at the aforementioned locations have also involved the use of non-radioactive chemicals, many of which are classified as hazardous under applicable federal law.

14. Upon information and belief, Plaintiffs contend that from the time the Sylvania facility began operating in or about 1952 to its closure, including any remediation and/or decommissioning operations, it generated significant amounts of substances that are highly toxic to humans and the environment. Plaintiffs further contend that throughout the Sylvania facility's operating history, each licensee and/or operator and/or owner has caused recurrent releases of radioactive and toxic materials into the environment, in complete disregard of applicable law, and of the health and safety of the surrounding communities and the local environment. These reckless, negligent and grossly negligent releases occurred in various ways, including the discharge of radioactive and toxic materials into public water bodies, the emission of radioactive and toxic materials from facility stacks, the exposure of workers, who could then spread contamination outside the worksite, and improper disposal of materials which eventually leaked from storage tanks and other disposal systems.

15. These reckless, negligent and grossly negligent releases have in turn resulted in the exposure of persons living in the area to toxic and radioactive materials. Because of the long

half-life of the radioactive substances involved, persons living at or near the Sylvania facility have also been exposed to these dangerous substances.

16. Upon information and belief, the substances to which Plaintiffs and their communities were exposed include but are not limited to uranium, thorium and/or other nuclear materials and/or chemical toxins. Some of these substances were used in the actual conduct of Defendants' operations, and some were by-products or decay ("daughter") products.

17. Upon information and belief, Plaintiffs contend that the Sylvania facility was not operated in compliance with applicable state, local and federal laws. Further, Plaintiffs contend that from the beginning, the Verizon defendants engaged in a pattern of negligent, grossly negligent and reckless behavior in their operation, remediation and/or decommissioning of the Sylvania facility, and that this pattern of behavior was implemented with full knowledge of the hazards associated with the radioactive, toxic, and hazardous substances associated with their operations.

18. The Non-Verizon defendants negligently, recklessly and/or carelessly caused and/or permitted the release of chemicals and/or other toxins into the surrounding environment.

19. While conducting operations in a manner in clear violation other applicable laws, and common law duties, Defendants also sought to prevent details about their operations, and about the hazards of their operations and property, from reaching workers, Plaintiffs, or the surrounding community. During all relevant times, Defendants or their predecessors were aware of the fact that they were releasing toxic and radioactive materials into the air, water and soil. Defendants opted not to take sufficient remedial measures to eliminate or abate the emissions and releases, manifesting a casual attitude towards environmental and health safety, even though they were aware of the health risks posed to these Plaintiffs by such releases. At

the same time, Defendants withheld information about the dangers from Plaintiffs and the community.

20. Defendants' failure to inform Plaintiffs of the health risks associated with the substances emitted from Defendants' facilities and property resulted in Plaintiffs being deprived of information crucial to their ability to limit their exposure or take other appropriate action. Plaintiffs could not therefore have reasonably determined the cause of their injuries until recently, when outside consultants publicly revealed the presence of off-site contamination attributable to the facilities.

## IX.

### CAUSES OF ACTION

#### Count One

#### CLAIMS AGAINST THE VERIZON DEFENDANTS

21. Plaintiffs repeat the allegations contained in Paragraphs 1 through 20 and incorporate them by reference as if fully set forth herein.

22. The Verizon defendants owned the Sylvania facility.

23. The Verizon defendants operated the Sylvania facility.

24. The Verizon defendants managed the Sylvania facility.

25. The Verizon defendants controlled the Sylvania facility.

26. The Verizon defendants maintained the Sylvania facility.

27. Plaintiffs in this case assert numerous state common law claims against Defendants for injuries suffered. See ¶¶33 through 78. Because the Verizon defendants are regulated by the terms of the federal Price Anderson Act, as hereinafter more fully appears, those state law

claims are statutorily deemed to arise under the federal Price Anderson Act, thereby stating a federal cause of action. 42 U.S.C. §2014(hh); §2210.

28. The Verizon defendants in this action have, at times material to this action, conducted various activities involving nuclear materials. These activities include collecting and processing uranium, thorium and other radioactive and/or toxic substances. They are therefore engaged in the development, use and control of atomic energy within the terms of the Atomic Energy Act, 42 U.S.C. §2011 et. seq.. A consequence of these activities is the requirement that the Verizon defendants obtain a federal license authorizing their operations involving nuclear materials. 42 U.S.C. §§2210, 2073, 2092, 2093, 2111. Upon information and belief, the Verizon defendants or their predecessors and/or agents have at all relevant times held such federal licenses.

29. In 1957, Congress amended the Atomic Energy Act to implement its policy to foster private sector participation in the nuclear energy industry. These 1957 amendments became known as the Price Anderson Act. The uranium, thorium and other radioactive substances possessed, processed and stored by the Verizon defendants at the Sylvania facility are nuclear by-product materials, special nuclear materials and/or source materials. 42 U.S.C. §2014(e), (z), (aa). Any release of these by-product, special nuclear, or source materials causing bodily injury, sickness, disease, death, loss or damage to property, or loss of use of property constitutes a "nuclear incident" under the terms of the Price Anderson Act. 42 U.S.C. §2014(q). Plaintiffs in this case contend that the Verizon Defendants operated the Sylvania facility in a negligent, grossly negligent, and reckless fashion, and have as a consequence caused the frequent release of by-product, special nuclear, and/or source materials into the surrounding communities, thereby causing a "nuclear incident" or series of "nuclear incidents" under the Price Anderson Act.

30. Plaintiffs further argue that these releases have exposed Plaintiffs and their property to highly dangerous materials. Plaintiffs have sustained serious injuries as a direct and proximate cause of these exposures. Plaintiffs have suffered bodily injury, sickness, disease or death and loss of or damage to property as a direct and proximate result of their exposures. Plaintiffs' cause of action therefore asserts legal liability based upon a "nuclear incident," or series of such incidents, and is consequently a "public liability action" within the terms of the Price Anderson Act. 42 U.S.C. §2014(w), §2014(hh).

31. The Price Anderson Act further provides that in "public liability actions" arising under the Act, the law of the state in which the "nuclear incident" occurred shall provide the substantive rules of decision unless such law is inconsistent with the Act. The causes of action enumerated in §§ 33 through 78 exist by virtue of the laws of the state of New York in which the "nuclear incident" occurred, and are therefore properly before this court as both federal causes of action arising under the Price Anderson Act and as state law claims ancillary and pendant to the federal claims. 42 U.S.C. §2014(hh), §2210.

32. Plaintiffs claim damages therefore in the amount of TWO HUNDRED FIFTY MILLION and 00/100 (\$250,000,000.00) DOLLARS.

Count Two

NEGLIGENCE

33. Plaintiffs repeat the allegations contained in Paragraphs 1 through 32 and incorporate them by reference as if fully set forth herein.

34. Defendants owed to Plaintiffs a duty of due care which could only be satisfied by the legal, safe, and proper generation, use, management, storage and disposal of the radioactive, toxic and

hazardous substances in Defendants' possession. Defendants also had a specific duty to prevent the discharge or release of such substances which might harm the persons, property or economic interests of Plaintiffs. Defendants also had a specific duty to warn or notify Plaintiffs of the potential hazards of exposure to radioactive, toxic and hazardous substances and to warn or notify Plaintiffs of the fact that discharges or releases of these substances had occurred, and were likely to occur in the future.

35. Further, Defendants had a duty to comply with applicable state, federal, and local governmental laws, regulations, and guidelines applicable to persons generating, managing, storing, using, and disposing of radioactive, hazardous and toxic substances.

36. Defendants breached these duties by their negligent, grossly negligent, and reckless generation, management, storage, use, and disposal of radioactive, hazardous and toxic substances and their negligent, grossly negligent, and reckless conduct of operations at the Sylvania and/or adjoining facilities, including any remediation and decommissioning activities. Such conduct was in non-compliance with applicable federal, state and local laws, regulations, and guidelines. Defendants' reckless, grossly negligent, negligent, and illegal conduct resulted in the dangerous release of radioactive, hazardous and toxic substances into the communities surrounding the Sylvania facility. These actual and continued releases have subjected Plaintiffs to an unreasonable risk of harm, and to actual injuries to their persons, property and economic interests. Defendants also failed to warn Plaintiffs of the actual and threatened releases of such substances and of the reasonably foreseeable effects of such releases, an omission that was reckless, grossly negligent, and/or negligent. Finally, Defendants failed to act to prevent their releases from harming Plaintiffs.

37. The Verizon defendants knew or should have known about the hazards associated with nuclear operations. Additionally, the legislative history of the Price Anderson Act, which was passed with the active participation of private companies involved in the nuclear power industry, is rife with references to the extreme consequences that could be expected in the event of a nuclear accident. Indeed, the gravity of such consequences was a major contributing factor to the passage of the Price Anderson Act.
38. The defendants clearly knew or should have known that their generation, management, storage, use, disposal, releases, or discharges of radioactive, toxic and hazardous substances at the Sylvania or adjoining facilities would result in actual injuries and increased risks to the persons, property and economic interests of the public living near the facility.
39. The Non-Verizon defendants were negligent, careless and reckless in the generation, management, storage, use, disposal and/or discharge of chemicals and/or toxins and/or in failing to prevent and failing to warn of discharges from their property.
40. Defendants' negligence was a direct and proximate cause of injuries to Plaintiffs, causing both actual present harm and creating an increased risk of harm to their persons, property and economic interests. Plaintiffs are entitled to recover damages for such injuries.
41. Plaintiffs claim damages in the amount of TWO HUNDRED FIFTY MILLION and 00/100 (\$250,000,000.00) DOLLARS

Count Three

NEGLIGENCE PER SE

42. Plaintiffs repeat the allegations contained in Paragraphs 1 through 41 and incorporate them by reference as if fully set forth herein.

43. Plaintiffs contend that throughout their history, the Sylvania facility was operated in non-compliance with applicable federal, state and local laws and regulations promulgated thereunder. Applicable statutes include but are not limited to the Atomic Energy Act, 42 U.S.C. §2011 et. seq., and the regulations issued thereunder, the Price Anderson Act, 42 U.S.C. §2210 et seq., and regulations issued thereunder; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9601, §9603, §9611(g), and regulations issued thereunder; the Toxic Substances and Control Act (TSCA), 15 U.S.C. §2601, §2607(e) and regulations issued thereunder; the Resource Conservation and Recovery Act (RCRA) 42 U.S.C. §6901, §6924(d), §6925 and regulations issued thereunder; the Emergency Planning and Community Right to Know Act (EPCRTKA) 42 U.S.C. §11001, §11023 and regulations issued thereunder; and applicable New York air and water quality protection and waste disposal laws.

44. The Non-Verizon defendants operated their respective facilities in violation of applicable law.

45. These violations of applicable state, federal and local laws, regulations and guidelines were a direct and proximate cause of injuries to Plaintiffs. The increased risk of harm and the actual present harm to their person, property and economic interests are precisely the types of injuries these applicable laws were designed to prevent. Violation of these statutes thereby constitutes per se negligence.

46. As a result thereof, plaintiffs claim damages in the amount of TWO HUNDRED FIFTY MILLION and 00/100 (\$250,000,000.00) DOLLARS.

Count Four

ABSOLUTE OR STRICT LIABILITY

47. Plaintiffs repeat the allegations contained in Paragraphs 1 through 46 and incorporate them by reference as if fully set forth herein.

48. The conduct of nuclear processing activities, and/or the use of industrial chemicals including any remediation and decommissioning activities, poses significant risk of harm to persons living and working in the vicinity of the operation. The consequences of nuclear accidents or incidents to health, property and the environment are extremely dire, and can be measured in the millions, if not billions of dollars. Nor is it possible to eliminate the risk by taking reasonable precautions. Finally, processing nuclear materials has never been a matter of common usage; indeed, prior to 1957, private operators were not permitted to engage in such activities at all. The conduct of nuclear processing activities, and/or the use of industrial chemicals at the Sylvania and/or adjoining facilities clearly constituted abnormally dangerous activities.

49. In addition, with full knowledge of the environmental and health hazards associated with the processing of nuclear fuel components and the use of industrial chemicals, Defendants and their predecessors chose to establish the Sylvania and/or adjoining facilities in the midst of residential communities in Hicksville, Westbury and Jericho, New York with facilities being located literally across the street from homes. Although Plaintiffs maintain the Defendants' activities were abnormally dangerous per se, the location of such activities in a well-populated area such as Hicksville, Westbury or Jericho, New York, would independently have rendered them abnormally dangerous.

50. As a direct and proximate result of the Defendants' collection, handling, processing, storage and disposal of radioactive, toxic and hazardous substances at the Sylvania and/or adjoining facilities, there have been releases of such substances into the environment, thereby

injuring Plaintiffs, which injuries include actual present harm and increased risks of harm to their persons, property and economic interests. Defendants' releases, and their conduct of abnormally dangerous activities at the Sylvania and/or adjoining facilities have also interfered substantially with Plaintiffs' private use and enjoyment of their property. These injuries constitute the type of harm the possibility of which made the Defendants' activities abnormally dangerous.

51. Defendants are therefore strictly liable to Plaintiffs for all damages which have resulted and which will continue to result from the collection, handling, processing, storage and disposal of radioactive, toxic and hazardous substances at the Sylvania and/or adjoining facilities.

52. Plaintiffs claim damages in the sum of TWO HUNDRED FIFTY MILLION and 00/100 (\$250,000,000.00) DOLLARS.

#### Count Five

#### MISREPRESENTATION AND CONCEALMENT

53. Plaintiffs repeat the allegations contained in Paragraphs 1 through 52 and incorporate them by reference as if fully set forth herein.

54. Some or all of the Defendants, at various times, both negligently and/or intentionally failed to disclose to Plaintiffs material facts or, any facts, concerning the nature and the magnitude of the releases of radioactive, toxic and hazardous substances from the Sylvania nuclear processing facility and/or adjoining facilities despite the fact that the defendant knew for decades of the hazards of the substances they had released into the surrounding environments. Finally, Defendants have continued to make misrepresentations to members

of the community regarding their ability to restore the land and water at or near the Sylvania facility such that those properties can safely be made available for unrestricted use.

55. Each of these misrepresentations and/or concealments were made by Defendants individually, jointly and in conspiracy with each other, and were made with the intention of creating a false impression in the minds of the Plaintiffs as to the true environmental status of the community and the true health risks accompanying Defendants' releases of toxic, hazardous and radioactive substances such that Plaintiffs would be lulled into complacency, and would refrain from seeking redress or pursuing other remedial action.

56. Plaintiffs reasonably believed and in good faith relied upon Defendants' misrepresentations and concealments in making decisions regarding seeking legal redress or pursuing remedial actions.

57. Many of the injuries to Plaintiffs arising out of the releases of radioactive, toxic and hazardous substances by Defendants into the environment have been compounded by the passage of time and Plaintiffs' reliance upon Defendants' misrepresentations and concealments. Plaintiffs' injuries include both actual present harm and increased risk of harm to the person, property and economic interests of Plaintiffs. All injuries were directly and proximately caused by Plaintiffs' reliance upon Defendants' false and misleading representations, omissions and concealments. Plaintiffs sustained damages including injuries, illnesses, disabilities, and/or death. Plaintiffs are entitled to recover damages for such injuries.

58. Plaintiffs did not discover the fraud alleged until recently and plaintiffs further allege that the statute of limitations to commence these actions is tolled as a result of the defendants fraudulent concealment and misrepresentations.

59. Plaintiffs claim damages in the sum of TWO HUNDRED FIFTY MILLION AND 00/100 (\$250,000,000.00) DOLLARS.

Count Six

CIVIL CONSPIRACY

60. Plaintiffs repeat the allegations contained in Paragraphs 1 through 59 and incorporate them by reference as if fully set forth herein.

61. Some or all of the Defendants, their officers and employees, and other persons and entities unknown to Plaintiffs, at various times, acted together with the common purpose of conducting operations at the Sylvania and nearby facilities in an unlawful manner, and with the further common purpose of unlawfully concealing operations at such facilities from the public and of concealing the fact that releases of toxic substances, radiation, and pollutants were occurring.

62. In furtherance of this conspiracy, Defendants have taken overt steps to conceal the nature of plant operations from the public and from regulators, and have failed in their legal duty to disclose the fact that releases of toxic pollutants and radiation have occurred. Such concealment is a violation of law, and a violation of Defendants' duty to Plaintiffs as members of the community.

63. In furtherance of this conspiracy, Defendants have also falsely and fraudulently represented the nature and extent of releases of toxic, hazardous and radioactive substances from the Sylvania and/or nearby facilities, have misrepresented the health and environmental risks associated with such releases and with the operations of Defendants' facilities, and have concealed information known to Defendants about the health risks and the status of knowledge regarding the dangerous properties of the toxic, hazardous and radioactive substances used, processed, generated and released from the facilities.

64. As a direct and proximate result of Defendants' conspiracy, Plaintiffs have suffered injuries to their persons, property and economic interests and are entitled to recover damages for such injuries.

65. Plaintiffs claim damages in the sum of TWO HUNDRED FIFTY MILLION AND 00/100 (\$250,000,000.00) DOLLARS.

Count Seven

WRONGFUL DEATH AND SURVIVAL

66. Plaintiffs repeat the allegations contained in Paragraphs 1 through 65 and incorporate them by reference as if fully set forth herein.

67. Defendants' negligent, grossly negligent, and reckless conduct was the direct and proximate cause of the wrongful death of Decedents Evelyn Weiss, Milton Weiss, Helen Sadles, Stanley Sadles, Audrey Maiers, Joseph Einbinder, Doris Schulman, Robert Schiff, Frances Schiff, David Cohen and Harvey Arnel. Pursuant to New York Law, Plaintiffs' beneficiaries are entitled to recover damages for such wrongful death.

68. Defendants' negligent, grossly negligent and reckless conduct caused the death of Decedents Evelyn Weiss, Milton Weiss, Helen Sadles, Stanley Sadles, Audrey Maiers, Joseph Einbinder, Doris Schulman, Robert Schiff, Frances Schiff, David Cohen and Harvey Arnel.

69. Plaintiffs claim damages in the sum of ONE HUNDRED MILLION AND 00/100 (\$100,000,000.00) DOLLARS.

X.

Eighth Count

PROPERTY DAMAGE

70. Plaintiffs OMOS MAIERS and others repeat the allegations contained in Paragraphs 1 through 65 and incorporate them by reference as if fully set forth herein.

71. Plaintiffs OMOS MAIERS and others still reside in close proximity to the Sylvania facility and as a result their homes have decreased in value because of not only their proximity, but also because of the potential that their houses have been contaminated due to the spread and dissemination of nuclear and other toxic contaminants.

72. As a result thereof, they have been damaged in the amount of TEN MILLION and 00/100 (\$10,000,000.00) DOLLARS.

XII.

DAMAGES

73. As a direct and proximate result of Defendants' tortious conduct as alleged above, Plaintiffs have been injured by exposure to toxic and radioactive substances. Plaintiffs have been damaged in the following particulars and seek to recover therefor:

- a. Plaintiffs have suffered and will continue to suffer great physical pain and mental anguish and will continue to suffer great pain and anguish throughout their lifetime;
- b. Plaintiffs have incurred hospital and/or medical and/or pharmaceutical and/or other expenses and will continue to incur such expenses in the future due to the permanent nature of their injuries resulting from exposure to toxic and radioactive substances, from which injuries they now suffer and will continue to suffer in the future;

- c. Plaintiffs suffer a physical impairment at this time and will continue to suffer this impairment in the future due to their injuries resulting from exposure to toxic and radioactive substances;
- d. Plaintiffs suffer a permanent partial disability at this time and will become permanently and totally disabled in the future due to the progressive character of injuries resulting from exposure to toxic and radioactive substances;
- e. Individuals have suffered a present increased risk of developing cancer and other serious diseases as a result of exposure to toxic and radioactive substances, and will require medical detection and surveillance services, including medical testing, preventive screening and the commission of independent studies adequate to quantify the adverse health effects of Defendants' releases of radioactive, toxic and hazardous substances, and to allow Plaintiffs to take preventive action and to receive the early warning necessary to increase the efficacy of treatment of disease;
- f. Plaintiffs have suffered a progressive loss of wages and earning capacity and will continue to suffer a loss of earning capacity and wages throughout their lifetimes;
- g. Plaintiffs require or will require domestic help and nursing care due to their disabilities and have been or will be required to pay for such domestic help and nursing services;
- h. Prior to the onset of their symptoms, Plaintiffs were extremely active and participated in numerous hobbies and activities, and as a result of their injuries, Plaintiffs have been and will be prevented from engaging in some of said activities which were normal to them prior to developing symptoms and injuries resulting from exposure to toxic and

radioactive substances. Plaintiffs have been and will otherwise be prevented from participating in and enjoying the benefits of a full and complete life;

i. A loss of consortium has been suffered between husbands and wives;

j. Because Defendants' conduct was grossly negligent and reckless, Plaintiffs seek punitive damages;

k. Wrongful death Plaintiffs seek to recover for the foregoing as a result of the wrongful and premature death of their decedents which resulted from exposure to radioactive and toxic substances; and

l. Survival action Plaintiffs seek to recover for the foregoing on behalf of the estates of their decedents. In addition, these Plaintiffs seek to recover loss of gross income incurred prior to decedents' death and the loss of future earnings caused by decedents' untimely death.

74. The conduct of Defendants, as alleged herein, was a direct, proximate and producing cause of the damages resulting from Plaintiffs' injuries and wrongful death of decedents, and of the following general and special damages that Plaintiffs have sustained both in their individual capacities, as next of kin, or as personal representatives of the heirs and estates of decedents:

- a. Damages to punish Defendants for proximately causing Plaintiffs' Decedents' untimely death;
- b. Damages for the conscious physical pain and suffering and mental anguish sustained by Plaintiffs' Decedents prior to death;
- c. Damages for the physical impairment suffered by Plaintiffs' Decedents prior to death;
- d. Damages for the disfigurement suffered by Plaintiffs' Decedents prior to death;

- e. Damages for reasonable and necessary medical expenses incurred by Plaintiffs' Decedents and their estates;
- f. Damages for reasonable funeral and burial expenses incurred by Plaintiffs' Decedents' estates;
- g. Damages for Decedents' lost earnings and net accumulations;
- h. Damages for the loss of the care, maintenance, services, support, advice, counsel and consortium which Plaintiffs and Decedents' family members received from the decedents prior to last illness and death; and

75. Defendants' liability is not limited pursuant to Section 1601 of the CPLR by reason of one or more of the exemptions of CPLR Section 1602.

76. To the extent that any plaintiff herein is required to, it is alleged that pursuant to CPLR 214-c, the technical, scientific or medical knowledge and information sufficient to ascertain the cause of their injury had not been discovered, or identified, or determined prior to the expiration of the period within which this action could otherwise have been brought and that the plaintiffs would have otherwise satisfied the requirements of 214-c subdivisions 2 and 3.

#### PRAYER FOR RELIEF

77. WHEREFORE, Plaintiffs demand judgment against the Defendants as follows:

First Count	\$250,000.000.00
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Second Count	\$250,000,000.00
Third Count	\$250,000,000.00
Fourth Count	\$250,000,000.00
Fifth Count	\$250,000,000.00
Sixth Count	\$250,000,000.00
Seventh Count	\$100,000,000.00
Eighth Count	\$10,000,000.00

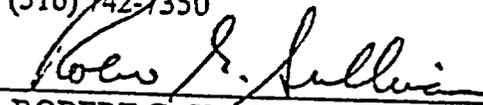
and as to each of them, jointly and severally, for general damages, special damages, for punitive and exemplary damages, for their attorneys' fees and costs expended herein, for prejudgment interest where allowable by law and post judgment interest on the judgment at the rate allowed by law.

78. Plaintiffs seek such other relief as is just and equitable.

79. Plaintiffs demand that all issues of fact in this case be tried to a properly impanelled jury.

Sullivan Papain Block McGrath & Cannavo P.C.  
55 Mineola Boulevard  
Mineola, New York 11501  
(516) 742-0707  
FAX: (516) 742-7350

BY:



ROBERT G. SULLIVAN (RS1066)  
ATTORNEYS FOR PLAINTIFFS

Index No. CV02 2017

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT

MELVIN SCHWINGER, LIBBY ROSENBERG  
et al

Plaintiff(s),

-against-

VERIZON, INC., individually and as successor to GTE  
OPERATIONS SUPPORT INCORPORATED, et al

Defendant(s),

**SUMMONS AND VERIFIED COMPLAINT**

SULLIVAN PAPAIN BLOCK McGRATH & CANNAVO P.C.  
*Attorneys for* Plaintiff(s)

120 BROADWAY  
NEW YORK, NEW YORK 10271  
(212) 732-9000

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated .. Signature ..  
Print Signer's Name ..

Service of a copy of the within is hereby admitted.

Dated: ..  
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY that the within is a (certified) true copy of a entered in the office of the clerk of the within named Court on

NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at 20 , at M.

Dated:

Handwritten signature/initials

SULLIVAN PAPAIN BLOCK McGRATH & CANNAVO  
*Attorneys for*

120 BROADWAY  
NEW YORK, NEW YORK 10271

To:

Attorney(s) for

Vertical handwritten text: 2002042911

STATE OF NEW YORK, COUNTY OF

ss:

I, the undersigned, an attorney admitted to practice in the courts of New York, and certify that the annexed has been compared by me with the original and found to be a true and complete copy thereof.

Check Applicable Box  
 Attorney's Certification  
 Attorney's Verification by Affidavit

say that I am the attorney of record, or of counsel with the attorney(s) of record, for . I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following

The reason I make this affirmation instead of is

I affirm that the foregoing statements are true under penalties of perjury.  
Dated: \_\_\_\_\_

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am

Check Applicable Box  
 Individual Verification  
 Corporate Verification

in the action herein; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true  
the of

a corporation, one of the parties to the action; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on . 20 \_\_\_\_\_

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am not a party to the action, am over 18 years of

age and reside at  
On . 20 . I served a true copy of the annexed

in the following manner:

Check Applicable Box  
 Service by Mail  
 Personal Service  
 Service by Electronic Means  
 Overnight Delivery Service

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

by delivering the same personally to the persons at the address indicated below:

by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known address of the addressee(s) as indicated below:

by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Sworn to before me on . 20 \_\_\_\_\_

(Print signer's name below signature)



THE  
OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

IN RE: [Illegible Name]

[Illegible Text]

[Illegible text block containing several lines of text, possibly a legal opinion or report.]

RECEIVED 4/26/02  
J. M. [unclear]

RECEIVED

Sender

U.S. District Court