

DRAFT - June 25, 1979

Honorable Harvey Bartle, III  
Commissioner of Insurance  
Commonwealth of Pennsylvania  
Room 402, Finance Building  
Harrisburg, Pennsylvania 17120

Dear Commissioner Bartle:

Re: Three Mile Island  
Socioeconomic Impact Study

Inasmuch as we are unable to comply specifically at this point in time with your request of June 19th, some general comments are in order. We have bulk reserved the entire incident, hence are unable to provide specific detailed information as respects reserves on individual files.

Our Harrisburg Service Office was opened promptly and went into action early so as to provide needed evacuation expenses for those who were responding and were qualified under Governor Thornburgh's Advisory, namely:

1. Resided within a five-mile radius of the reactor; and
2. The household was made up of pre-school children and/or there was a pregnant female on the premises.

An initial advance was made to qualified applicants covering an estimated 5-day evacuation expense. Subsequently, an additional three more days estimated evacuation expense was paid to each claimant and again an additional three days estimated cost was advanced, for a total of 11 full days.

The evacuation expenses were advanced on the basis of the formula set forth hereafter:

Those living with relatives or someone else:

\$15.00 per day for food for each adult and \$15.00 per day for lodging for each adult. \$7.50 per day for food for all children 12 or older and \$7.50 a day for lodging for this group. \$5.00 per day for food and \$5.00 per day for lodging for all children under 12.

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For Those who were forced to go to a motel, the following schedule was used:

One person alone	\$50.00 per day
Husband and wife	\$80.00 " "
Husband, wife & 1 child	\$90.00 " "
with an additional \$15.00 for each additional child	

Subsequently, all those to whom original evacuation advance payments were made were re-contacted and invited to present a claim for net wage loss if one was sustained during the period of evacuation and at the same time requesting an accounting of the funds previously advanced in the event such wage claim was made.

Through June 21st we have paid a total of 3,142 evacuation cases pursuant to the above schedule at a total cost of \$1,205,981.50.

We have also been presented with 529 wage loss claims and of those 529 claims 452 were judged eligible for additional payments and paid a total of \$59,480.72 as of June 21st. On 77 wage claim submissions the claimant failed to account for and it appeared that the evacuation payments equaled or exceeded the additional wage claim.

Summarizing as of June 21, 1979

Evacuation claims paid 3,142	total dollars	\$1,205,981.51
Wage claims paid 452	total dollars	<u>59,480.72</u>
	TOTAL	\$1,265,462.23

Inasmuch as the majority of these claims were initially paid with a more or less "panic" situation prevailing, the files are not replete with full details. Further, inasmuch as all wage claims have been paid against this same group of files, we do not at this point in time have a specific break-down as to a separation of evacuation and wage loss claims.

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Your inquiry relates to all claims within a 20-mile area and as noted above these will all qualify as all of these claimants fell within a 5-mile radius. In some instances travel expense and other expenses were paid in lieu of or as an estimate for housing, food, etc. and this will likely be disclosed as a result of the audit now under way. No claims other than those mentioned above have been paid. Likewise, except for those who failed to qualify under the Governor's Advisory, no claims have been paid at this point in time or completely rejected. However, those who failed to qualify for evacuation expense were declined initially as not falling within the Governor's Advisory.

In addition to the claims identified above, 513 claims for evacuation expense were made, all of which were declined as failing to qualify under the Governor's Advisory. It was determined later that several of these claimants would qualify and they were reimbursed and are included in the 3,142 claims identified above.

B. Summary of Government Agencies and other Public Body Claims

As of June 21st we had received 14 such claims. Exhibit 1 attached hereto identifies these claims by claim number, name of claimant and a brief description of the type and amount of the claim.

We have an additional series of claims identified as Business Interruption Claims which totals 65 and is attached hereto as Exhibit 2. These claims are identified as to date received, claimant, claim number, basis of claim and amount claimed, where known. As indicated above, none of these claims have been either paid or rejected in toto. Initially, all were advised that we were at that point in time recognizing only evacuation type claims.

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On May 25th, at a pre-trial conference before the Hon. John Havas, U.S. Magistrate of the U.S. District Court for the Middle District of Pennsylvania, the subject of the payment of business claims was discussed and the Court requested that we hold back on the payment of such claims at that time and subsequent to that date claimants have been so advised.

C. Identification of all Class Action suits and their Alleged Damages

Exhibit 3 attached hereto itemizes and summarizes existing legislation as of this date, including individual actions in addition to the Class Actions requested.

- D. Nine days after the incident a property reserve was established for an estimated compensable property loss of \$140 million dollars. Extensive investigation is presently under way to accurately assess the loss. Inasmuch as the containment area remains closed, complete information is not available but when the additional facts are developed a revision of this reserve may be in order.

Our counsel has not yet completed its review of the legal and factual determinants of liability and extensive discovery will eventually be undertaken. We are not in a position at this point in time to estimate the ultimate or expected legal liability of the nuclear insurers as a result of the T.M.I. incident.

I am informed that neither the ISO nor others have made any studies or surveys to date for liability rating purposes in view of the proximity to the date of occurrence.

Very truly yours,

William C. Carrier  
Claims Counsel

Enclosures

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EXHIBIT 1

ADDITIONAL EXPENSE CLAIMS SUBMITTED BY GOVERNMENTAL AUTHORITIES

<u>Claim Number</u>	<u>Name of Claimant</u>	<u>Brief Details</u>
01-100018	Penn State University	Claim is being developed. The campus is within the five mile radius.
01-100116	Lower Dauphin School District	Claim for undisclosed amount. Entire district is beyond the five mile radius. Employee wage loss.
01-100135	Carroll Township Board of Supervisors	Claim is for \$1,685.30. Carroll Township is considerably beyond the five mile radius. Extra help - printin, phone, coffee, poly foam for cots.
01-100136	Newberry Township	Amounts claimed are \$1,462.89 for the township and \$173.43 for the Newberry Town Fire Company. The township is within the five mile radius. Additional police, gas, other employees' time, additional mileage.
01-100204	Londonderry Township Board of Supervisors	Claim is for an undisclosed amount. The township is within the five mile limit.
01-100224	County Commissioners of Dauphin County	Claim is for \$22,639.76. Part of Dauphin County, including Middletown, is within the five mile radius. Personnel, telephone, vehicle expense - maps, antenna, office supplies, food, fringe benefits.

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<u>Claim Number</u>	<u>Name of Claimant</u>	<u>Brief Details</u>
01-100252	City of Harrisburg	Amount claimed is \$4,652.59. Not within five mile radius. Expenses incurred by Department of Public Safety; overtime police & fire department, meals, duplicating costs, 5 tickets dismissed, parking meters.
01-100259	Township of Hampden	Amount claimed is \$392.53 at present - possibly ultimately in excess of \$10,000. Not within five mile radius. Overtime, transportation, meals, copies.
01-100264	Borough of Penbrook	Amount claimed is \$1,075.36. The borough is outside the five-mile limit. Wages - S.S. Unemployment tax & gas.
01-100280	Borough of Goldsboro	Amount claimed is \$4,543.88 - Police, Civil Defense & Supplies. The borough is within the five mile limit.
01-100333	Township of Derry	Amount claimed is \$13,900.69. Township is outside five mile limit. Salaries, supplies, etc.
01-100334	Derry Township School District	Amount claimed is \$1,655.62. Not within five mile radius. Supplies, salaries, etc.
01-100335	Hershey Ambulance Corps.	Amount claimed is \$889.03. Not within five mile radius. Salaries, etc.
01-100336	Hershey Volunteer Fire Company	Amount claimed is \$31.00. Not within five mile radius -- Gasoline.

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## EXHIBIT 2

## ASSIGNMENT CONTROL

ADJUSTERS NAME BUSINESS INTERRUPTION CLAIMS
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ASSIGN DATE Rec'd	CLAIMANT	CLAIM NUMBER		Basis of Claim & Amount DESCRIPTION
		REGISTER	SERIAL	
4- 4-79	Simon Candy Co.		100004	Amount Claimed - \$3,435.00 Loss of production; cost of testing
4- 6-79	Continental Inns of America		100011	Amount Claimed - ? Cancellations of reservations
4- 6-79	Hershey Foods Corp.		100013	Amount Claimed - ? Various losses, unspecified
4- 6-79	Susquehanna Speedway - Richard Liddick		100007	Amount Claimed - \$2,556.60 Loss of revenue, cancelled race
4- 9-79	Redland Dental Assoc.		100019	Amount Claimed - \$4,000-8,000 Loss of dental fees
4-10-79	Herco, Inc.		100021	Amount Claimed - ? Various losses, unspecified
4-12-79	Funcrafts, Inc.		100049	Amount Claimed - \$ 828.43 Loss of sales, retail store
4-12-79	Frey Village Retirement Center		100054	Various losses resulting from evacuating elderly patients *
4-16-79	Institute of Bus. & Industry		100061	Amount Claimed - \$ 168.57 Cost of change of meeting site
4-11-79	Brenner Furniture & Sleep Ctrs.		100040	Amount Claimed - ? Loss of sales, retail store
4-11-79	Lacy Enterprises, Inc.		100041	Amount Claimed - 10,000.00 Loss of sales, restaurant
4-16-79	Belscot Retailers, Inc.		100081	Amount Claimed - ? Loss of sales, retail store
4-16-79	John I. Burkett, III		100082	Amount Claimed - \$ 100.00 Loss of revenue, beauty salon
4-17-79	Percy Glenn		100006	Amount Claimed - \$ 247.40 Evacuation expenses, horse farm
4-17-79	The Wilton Co.		100089	Amount Claimed - ? Loss of production, giftware mfr.
4-18-79	Church of the Nazarene Day Care		100097	Amount Claimed - \$1,751.35 Loss of tuition
4-19-79	Historic 1725 Witmer's Tavern		100105	Amount Claimed - ? Loss of sales, restaurant
4-23-79	Gettysburg Travelodge		100123	Amount Claimed - 153.12 Cancellation of reservations
4-23-79	Host Farm, Lancaster		100128	Amount Claimed - ? Various losses, unspecified
4-23-79	Host Town Motel, Lancaster		100129	Amount Claimed - ? Various losses, unspecified
4-23-79	Host Inn, Harrisburg		100130	Amount Claimed - ? Various losses, unspecified
4-23-79	Nationwide Inn, Harrisburg		100131	Amount Claimed - ? Various losses, unspecified
4-23-79	Host Corral, Lancaster		100132	Amount Claimed - ? Various losses, unspecified
4-24-79	Wohlsen Construction Co.		100138	Amount Claimed - \$ 254.60 Shutdown of jobs, building contract
4-25-79	LeHi Dairy		100146	Amount Claimed - \$3,031.23 Additional expense/testing, dairy
4-25-79	Middletown Bottle Club		100149	Amount Claimed - ? Cancellation of events
				*Amount Claimed - \$100,000.00

ASSIGNMENT CONTROL

ADJUSTERS NAME  
BUSINESS INTERRUPTION CLAIMS

DATE Rec'd	CLAIMANT	CLAIM NUMBER		Basis of Claim & Amount DESCRIPTION
		REGISTER	SERIAL	
4-25-79	Goldsboro Marina		100151	Amount Claimed - ? Loss of business, unspecified
4-30-79	Springfield Stables		100174	Amount Claimed - \$ 875.00 Evacuation expenses, horse farm
5- 1-79	Conbow Corporation		100190	Amount Claimed - ? Financial loss, unspecified
4-30-79	Lad's & Dad's Outfitters, Inc.		100172	Amount Claimed -22,943.00 Loss of revenue, retail store
5- 1-79	R & R Automotive		100191	Amount Claimed - 1,004.67 Various losses, auto sales & servi
4-30-79	Newberry Farms- Art Gallery & Restaurant		100173	Amount Claimed - 6,475.11 Loss of revenue, theatre & restaura
5- 4-79	Villa Teresa		100207	Amount Claimed - 5,765.75 Additional expenses, nursing home
5- 3-79	L. D. Weaver & Son		100194	Amount Claimed -15,000 -20,000 Bus. shutdown, bologna & fresh mea
5- 3-79	Fox's Foods, Inc.		100200	Amount Claimed -21,352.00 Various losses, supermarket
5- 3-79	Camp Comet		100201	Amount Claimed -18,150.00 Loss of revenue, summer camp
5- 7-79	Middletown Chiropractic Health Ctr.		100214	Amount Claimed -? Various losses, unspecified
5- 8-79	Ebenezer A.M.E. Church		100218	Amount Claimed - 203.00 Cancellation of trip
5-16-79	Atlas International Tours		100265	Amount Claimed -66,958.00 Cancel tion of our to Hershey
5-16-79	Preston Kline & Sons, Inc.		100266	Amov 8,496.00 Loss retail flooring
5-17-79	Longacre Farm		100267	Amount =? Loss of e, summer camp
5-21-79	Kaadan, Limited		100277	Amount Claimed - 842.17 Addl.exp.-change of site, dealer st
5-21-79	Pizzagalli Construction Co.		100276	Amount Claimed -27,413.24 Construction delay
5-21-79	Wert Bookbinding, Inc.		100274	Amount Claimed -? Plant closed
5-21-79	Archris Hotel Corp.		100273	Amount Claimed -82,023.10 Lost sales-two Sheraton Inns
5-23-79	Dietrich's Milk Products		100279	Amount Claimed - 2,929.00 Milk testing for Hershey
5-24-79	Ed Blodgett		100285	Amount Claimed - 150.00 Cancellation of magic show
5-25-79	Heckard's Catering		100290	Amount Claimed - 1,500.00 Loss of business, unspecified
6- 1-79	Accudata Adeptic Service		100300	Amount Claimed -? Financial Loss, unspecified
6- 1-79	C. Curtis Hughes Flower Shop		100301	Amount Claimed -? Loss of revenue, flower shop
4- 4-79	Robert Kain <i>Duplicate</i>		100302	Evacuation expense, livestock
4- 2-79	William Kane, Jr.		100303	Amount Claimed -? Evacuation expense, dog kennels
4-27-79	Morkides (Taco House)		100304	Amount Claimed -? Loss of revenue, restaurant





EXHIBIT 3

Litigation

Class Actions

1. Herbert M. Packer, Jr., John W. Griffith, Jean B. Griffith and Leroy I. Sykes v. General Public Utilities Corp., Metropolitan-Edison Company of Reading, Pennsylvania Electric Company, and Central New Jersey Power and Light Company in the Court of Common Pleas of Dauphin County, Pennsylvania, Civil Action - Law No. 1431S, 1979, In Equity - 3833. Transferred to Middle District Federal Court, Civil Action No. 79-522.

This is a class action proceeding seeking \$500 million dollars in damages and in addition declaring the facility a nuisance and seeking an order to abate and further imposing a constructive trust upon the real and personal property of the defendants in an amount sufficient to pay for the cost of the class members' medical diagnostic and treatment services for the next 20 years.

2. Gerald S. Fantasky, Vincinta L. Fantasky, James A. Good, Bonita R. Good, and James E. Gormley v. Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and General Public Utilities Corporation in the United States District Court Middle District of Pennsylvania, Civil Action No. 79-432.

This is a class action seeking damages on behalf of a class, attorneys' fees and punitive damages.

3. Dynamic Products Corporation, Modagrafics Corporation, John Glise, Inc., The Red Baron of America, Inc., James D. Derr, Inc., on behalf of themselves and all others similarly situated v. Metropolitan Edison Company, Babcock & Wilcox Company, J. Ray McDermott & Company, Inc., General Public Utilities Corporation, Catalytic, Inc., in the United States District Court for the Middle District of Pennsylvania, Civil Action No. 79-439, Class Action.

This action seeks damages for economic harm, lost profits and operating losses, diminution in real estate values and damages to at least \$560 million dollars, plus costs including expert witnesses and attorneys' fees.

4. Robert T. Dunn, Annette Dunn, his wife, Katherine Shirilla, Michael Lyons, Judith Lyons, his wife, Terrill Schukraft, Constance Krebs, Kenneth E. Stoner, Jr., and Linda Stoner, his wife, Plaintiffs Class-Representatives v. Metropolitan Edison Company, Babcock & Wilcox Company, Inc., General Public Utilities Corporation, and Catalytic, Inc., in the United States District Court for the Middle District of Pennsylvania, Civil Action No. 79-446 Class Action.

This action seeks damages for economic loss, loss of income, travel and living expense as well as experts and witness fees and in addition damages for diminution in the value of real property in the aggregate of \$560 million dollars.

5. Giant Food Stores, Inc., White Shield, Inc., Komet Company, Inc., First Edition Book Stores, Inc., Wolowitz, Inc., and Free Car Wash, Inc., on behalf of themselves and a class others similarly situated v. General Public Utilities Corporation, Metropolitan Edison Company, Jersey Central Power & Light Company, Babcock & Wilcox Company, Catalytic, Inc., and J. Ray McDermott & Company in the United States District Court for the Middle District of Pennsylvania, Civil Action No. 79-456, Class Action.

These plaintiffs on behalf of the class are seeking damages estimated to exceed \$560 million dollars for loss of sales and profits, including spoilage and contamination of food products as a result of evacuation of people pursuant to the recommendation of the Governor of Pennsylvania and on an individual voluntary self-protection basis.

Named plaintiffs estimated their losses to exceed \$300,000. for Giant Food Stores, \$15,000. for White Shield, \$10,000. for Komet, \$10,000. for First Edition, \$24,000. for Wolowitz and \$10,000. for Free Car Wash.

6. Earl J. Markle and Dorothy Markle, Individually and as Husband and Wife, Bill Gorman and Beverly Gorman, Individually and as Husband and Wife and as parents and natural guardians of their minor children, Donna and Michael Gorman, Russell C. Earhart and Grayce Earhart, Individually and as Husband and Wife, v. Metropolitan Edison Company of Reading, Pennsylvania Electric Company, Jersey Central Power & Light Company, General Public Utilities Corporation, and Babcock & Wilcox Company in the United States District Court for the Middle District of Pennsylvania, Civil Action No. 79-520 Class Action.

Plaintiffs Earl and Dorothy Markle and Russell C. Earhart bring this action on behalf of all business persons within a five-mile radius of the facility at Three-Mile Island to recover for the loss of income, value of their stock, loss of their property value and other related economic losses. Plaintiff Beverly Gorman brings this action individually and on behalf of all wage earners working within a five-mile radius of Three-Mile Island to recover for their loss of income. Plaintiffs seek compensatory and punitive damages plus cost of suit and attorneys' fees.

7. Herbert M. Packer, Jr., John W. Griffith, Jean B. Griffith, Leroy I. Sykes, Monte H. E. Parfitt, Rose Marie Parfitt, Walter J. Lachewitz, Jr., American Vanguard Systems, Inc., t/a Millhouse Restaurant, Samuel W. Fleck & Louise E. Fleck v. General Public Utilities Corporation, Metropolitan Edison Company of Reading, Pennsylvania Electric Company, Central New Jersey Power & Light Company, Babcock & Wilcox Company, J. Ray McDermott & Company and Catalytic, Inc. in the United States District Court for the Middle District of Pennsylvania, Civil Action No. 79-542, Class Action.

This is an action by the four individuals named in Packer Suit (1) above, five residential property owners, and one restaurant, all located within a twenty-mile radius, seeking to declare the defendants operating a nuisance and seeking damages by reason of ultra hazardous nature of the activity for injury to persons and property, economic damage consisting of loss of customers, income and cash flow as well as loss of goodwill and loss or diminution in value of chattels and real property. The relief sought is compensatory, punitive damages, cost of suit and attorneys' fees; and further seeking to impose a constructive trust upon the real and personal property of the defendants in amounts sufficient to pay for the cost of plaintiffs and class members' receiving diagnostic and treatment services for the next twenty years.

8. Terry F. Smith v. Babcock & Wilcox Limited, in the United States District Court for the Southern District of New York, Civil Action No. 79-2235, Class Action.

This suit has now been transferred to the U.S. District Court for the Middle District of Pennsylvania. This is an action brought by the Plaintiff on behalf of all persons residing in the State of Pennsylvania who sustained injury or damages, seeking damages for mental or psychic anguish, damage for exposure to nuclear radiation, dislocation expense and increased utility rates to the members of the class. Plaintiff seeks \$20 million dollars for each member of the class in compensatory damages and \$1 billion dollars for each member of the class in punitive damages.

9. C. Robert Larsen, Marie K. Larsen, his wife, Peter Davis, Carol A. Davis, his wife, William Shields, Susan Shields, his wife, Barry Buck, Toni Buck, his wife v. Metropolitan Edison Company, Jersey Central Power & Light Company, Babcock & Wilcox Company, Inc., General Public Utilities Corporation and Catalytic Inc., in the United States District Court for the Middle District of Pennsylvania, Civil Action No. 79-594, Class Action.

This is a Class Action seeking damages on behalf of the class (all residents within a twenty mile radius). Damages sought for economic harm (loss of income, travel and living expenses), diminution in value of real and other property, and bodily harm requiring treatment and monitoring. Seeking compensatory and punitive damages, cost of suit, expert witness fees and attorneys' fees equal to \$560 million dollars.

Non-Class Actions

1. Albert Sammons v. Metropolitan Edison Company, in the United States District Court for the Middle District of Pennsylvania Civil Action No. 79-621.

Plaintiff seeking \$1,850.00 for loss of business income and evacuation damages as a result of loss allegedly sustained at a service station in York Haven, three miles from Three-Mile Island.

2. Frank Park and Beverly Park, Husband and Wife, v. Metropolitan Edison Company, Babcock & Wilcox Company, J. Ray McDermott and Company, Inc., General Public Utilities, Jersey Central Power & Light Company and Catalytic, Inc., in the U.S. District Court for the Middle District of Pennsylvania, Civil Action No. 79-710.

Plaintiffs, residents of Goldsboro, Pennsylvania, seek damages for diminution in value of their real and personal property, loss of income, travel and living expenses, plus damages for physical and emotional injuries, plus damages for expense for the need for medical examinations for twenty years, as well as punitive damages.

Prayer for damages in excess of \$10,000. in compensatory and in excess of \$10,000. for punitive damages.

3. David Palmer and Emily Palmer, Husband and Wife and Allison Palmer, a minor by her parents and guardians, David and Emily Palmer v. Metropolitan Edison Company, Babcock & Wilcox Company, J. Ray McDermott & Company, Inc. General Public Utilities, Jersey Central Power & Light Company and Catalytic, Inc., in the United States District Court for the Middle District of Pennsylvania, Civil Action No. 79-763.

Plaintiffs seek recovery of damages for diminution in value of personal and real property, including loss of income, travel and evacuation expense, damages for physical and emotional injury due to exposure to radioactive materials, damages to cover the need for medical examinations on a periodic basis for the next twenty years, and punitive damages.

Prayer is for judgment jointly and severally against the defendants for compensatory damages in an amount in excess of \$10,000. and punitive damages in an amount in excess of \$10,000.

4. Greene's Camp Hill v. Metropolitan Edison Company, Babcock & Wilcox Company, J. Ray McDermott & Company, Inc. General Public Utilities, Jersey Central Power & Light Company, and Catalytic, Inc., in the United States District Court for the Middle District of Pennsylvania, Civil Action No. 79-774.

Plaintiff, engaged in the business of selling bridal and formal attire located in Camp Hill, Pennsylvania, seeks damages for alleged irreparable economic loss, diminution in the value of the business, damages for inability to sell contaminated merchandise, and punitive damages.

Compensatory damages sought in excess of \$10,000. Punitive damages sought in excess of \$10,000.

5. The Peek-A-Boo Bath Boutique v. Metropolitan Edison Company, Babcock & Wilcox Company, J. Ray McDermott & Company, Inc., General Public Utilities, Jersey Central Power & Light Company, and Catalytic, Inc., in the United States District Court, Middle District of Pennsylvania, Civil Action No. 79-775.

Plaintiff, selling bathroom accessories located in Windsor Park Shopping Center, Mechanicsburg, Pennsylvania, seeks damages for irreparable economic loss, diminution in the value of the business, damages for inability to sell contaminated merchandise, and punitive damages.

Judgment is sought jointly and severally for compensatory damages in excess of \$10,000., as well as punitive damages in excess of \$10,000.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GERALD S. FANTASKY, : CONSOLIDATED CLASS ACTION NO.  
VINCENTA L. FANTASKY, :  
JAMES A. GOOD, :  
BONITA R. GOOD, :  
JAMES E. GORMLEY, et al., :  
 :  
 : Plaintiffs, :  
Individually and on behalf of :  
all others similarly situated, :  
 :  
v. :  
 :  
GENERAL PUBLIC UTILITIES CORP. :  
METROPOLITAN EDISON CO., :  
JERSEY CENTRAL POWER & LIGHT :  
COMPANY, :  
PENNSYLVANIA ELECTRIC CO., :  
BABCOCK & WILCOX COMPANY, :  
J. RAY McDERMOTT & CO., :  
CATALYTIC, INC., :  
 :  
 : Defendants :  
 :  
THREE MILE ISLAND LITIGATION : JURY TRIAL DEMANDED

CONSOLIDATED CLASS ACTION COMPLAINT

Plaintiffs, by their attorneys, bring these civil actions, on their own behalf and on behalf of the classes they represent, to obtain damages, equitable relief, and the costs of suit from the defendants named herein, and complain and allege as follows:

I.

CAUSES OF ACTION

1. These are actions for damages and equitable relief arising under principles of federal common law; under

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the Act of August 30, 1954, 68 Stat. 921, 42 U.S.C. §§ 2011 et seq. as amended, popularly known as the Atomic Energy Act, including the Act of September 2, 1957, P.L. No. 85-256, 71 Stat. 576, 42 U.S.C. § 2210 as amended, popularly known as the Price-Anderson Act; and under the law of the Commonwealth of Pennsylvania; in order to obtain redress for Plaintiffs and members of the Plaintiff classes from Defendants for injuries and damages arising out of a nuclear incident and extraordinary nuclear occurrence, to wit: that which occurred at the Three Mile Island nuclear electric generating facility, in Dauphin County, Pennsylvania, on, about and after March 28, 1979.

## II.

### JURISDICTION AND VENUE

2. This complaint is filed and these proceedings are instituted under the Price-Anderson Act, 42 U.S.C. § 2210, under 28 U.S.C. §§ 1331 and 1337, and under principles of pendent jurisdiction.

3. This Court has jurisdiction of the subject matter, and venue is proper, under 28 U.S.C. §§ 1331 and 1337 and 42 U.S.C. § 2210. The plaintiffs and all members of the classes are residents of, do business in, or own property in, the Middle District of Pennsylvania. All of the defendants do business in the Middle District of Pennsylvania.



III.

PARTIES

4. Plaintiffs:

(a) Plaintiffs Gerald S. Fantasky and Vincenta L. Fantasky, husband and wife, James A. Good and Bonita R. Good, husband and wife, and James E. Gormley are individuals who resided and/or owned business or property within a five mile radius of Three Mile Island nuclear electric generating facility on March 28, 1979. Said plaintiffs were evacuees from the vicinity of the nuclear incident.

(b) (i) Dynamic Products Corporation is a Pennsylvania corporation with its registered office at 302 South 4th Street, Emmaus, Pennsylvania 18049. It operates a plant in Middletown, Pennsylvania, within five miles of the nuclear facility at Three Mile Island.

(ii) Modagraphics Corporation is an Illinois corporation with its registered office at 5300 Newport Drive, Rolling Hills, Illinois. It operates a plant approximately five miles from the said nuclear facility.

(iii) John Glise, Inc., is a Pennsylvania Real Estate Corporation with its principal office at 3900 Market Street, Camp Hill, Pennsylvania. That office is ap-

proximately twelve miles from the said nuclear facility and the company's two other offices are 9-1/2 miles and eight miles from the said nuclear facility.

(iv) The Red Baron of America, Inc., is a Pennsylvania corporation engaged in the business of auto repair with its garage at 1057 Columbus Street, Lemoyne, Pennsylvania. This garage is approximately ten miles from the said nuclear facility.

(v) James D. Derr, Inc., is a Pennsylvania corporation with its principal place of business at 28 North Union Street, Middletown, Pennsylvania, which is within five miles of the said nuclear facility.

(c) (i) Robert T. Dunn, and Annette Dunn, his wife, are adult individuals and reside at 104 Birch Court, Camp Hill, Pennsylvania. Said plaintiffs were evacuees from the vicinity of the nuclear incident and are owners of real property located within twenty five miles of Three Mile Island.

(ii) Katherine Shirilla is an adult individual residing at 850 Erford Road, Camp Hill, Pennsylvania. Said plaintiff was an evacuee from the vicinity of the nuclear incident and is an owner of real property within twenty miles of Three Mile Island.

(iii) Michael Lyons, and Judith Lyons, his wife, are adult individuals and reside at 105 Yellow Breeches Drive, Camp Hill, Pennsylvania. Said plaintiffs were evacuees from the vicinity of the nuclear incident and are owners of real property located within ten miles of Three Mile Island.

(iv) Terrill Schukraft is an adult individual and resides at R.D. #2, Elizabethtown, Pennsylvania. Said plaintiff was an evacuee from the vicinity of the nuclear incident and is an owner of real property located within ten miles of Three Mile Island.

(v) Constance Krebs is an adult individual and resides at R.D. #1, York Haven, Pennsylvania. Said plaintiff was an evacuee from the vicinity of the nuclear incident and is an owner of real property located within five miles of Three Mile Island.

(vi) Kenneth E. Stoner, Jr., and Linda Stoner, his wife, are adult individuals residing at R.D. #2, Eppers, Pennsylvania. Said plaintiffs were evacuees from the vicinity of the nuclear incident and are owners of real property located within five miles of Three Mile Island.

(d) (1) Giant Food Stores, Inc. ("Giant"), is in the retail food business. Its principal offices were

located at Route 11 and Shady Lane, Carlisle, Pennsylvania 17013. Giant operates retail food stores within twenty miles of Three Mile Island.

(ii) White Shield, Inc. ("White Shield") is in the business of operating retail drug and sundry stores throughout Central Pennsylvania, within twenty miles of Three Mile Island. White Shield's principal offices are located at 2310A Gettysburg Road, Camp Hill, Pennsylvania 17011.

(iii) Komet Co., Inc. ("Komet") is in the business of selling maternity clothes at retail. Komet is located at 305 Market Street, Harrisburg, Pennsylvania, within twenty miles of Three Mile Island.

(iv) First Edition Book Stores, Inc. ("First Edition") is in the business of selling books at retail. First Edition is located in the Harrisburg East Mall, Harrisburg, Pennsylvania, within twenty miles of Three Mile Island.

(v) Wolowitz, Inc., d/b/a "Young Image Shop" ("Wolowitz"), is in the business of selling children's clothing at retail. Wolowitz has its principal offices at 18 North Center Street, Pottsville, Pennsylvania, and operates a retail store in the Capitol City Mall, Camp Hill, Pennsylvania, within twenty miles of Three Mile Island.

(vi) Free Car Wash, Inc., d/b/a/ "Gas and Wash" ("Free") is in the business of operating retail car washing facilities. Its principal offices are c/o Paul Cramer, Town House Apartments, Harrisburg, Pennsylvania, and it operates two car washing facilities within twenty miles of Three Mile Island.

(vii) Cumberland Skadium, Inc., d/b/a "Cumberland Skadium" ("Cumberland") is in the business of operating ice skating rink facilities. Its principal offices are at 860 Wesley Drive, Mechanicsburg, Pennsylvania 17055, and it operates an ice skating rink facility within twenty miles of Three Mile Island.

(viii) Harry Cramer, Inc., d/b/a "Harry Cramer Oldsmobile" ("Cramer") is in the business of selling and leasing new and used automobiles. Its principal office is at 1998 West Harrisburg Pike, Middletown, Pennsylvania, and it is located within twenty miles of Three Mile Island.

(ix) Aero Corporation, d/b/a "Budget Rent a Car" ("Aero") is in the business of leasing and renting automobiles. Its principal office is at 1998 West Harrisburg Pike, Middletown, Pennsylvania, and it is located within twenty miles of Three Mile Island.

(e) Michelle Smajda and Terry Smith are citizens of the State of Nebraska who, at the time of the

nuclear incident described herein, lived and worked within twenty miles of the Three Mile Island nuclear facility.

(f) (i) Plaintiffs, Earl J. Markle and Dorothy Markle are husband and wife and owners of their home located at P.O. Box 112, East Petersburg, Pennsylvania. The Markles own and operate a business known as Markle's Greenhouses located at R.D. #1, Epler Road, Middletown, Pennsylvania. The Markles are also owners of investment property located within five miles of Three Mile Island.

(ii) Plaintiffs, William and Beverly Gorman, are husband and wife and owners of their home located at R.D. #1, Whitman Lane, Middletown, Pennsylvania. Plaintiffs, William and Beverly Gorman, are parents and natural guardians of their minor children, Donna, age 13, and Michael age 7. At all times pertinent hereto, Beverly Gorman was employed as a tax return preparer by Colonial Tax Services located in Elizabethtown, Pennsylvania, within twenty miles of Three Mile Island.

(iii) Plaintiffs, Russell C. Earhart and his wife, Grayce, are owners of their home located at R.D. #2, Highland Road. Russell C. Earhart is the President and sole shareholder of R.C. Earhart, Inc., a real estate and insurance business located at 4294 East Harrisburg Pike, within twenty miles of Three Mile Island.

(g) (i) Plaintiff, Herbert M. Packer, Jr., is an individual and a citizen of the Commonwealth of Pennsylvania, residing at 58 Circle Drive, Camp Hill, Cumberland County, Pennsylvania, within twenty miles of Three Mile Island.

(ii) Plaintiffs, John W. Griffith and Jean B. Griffith, are individuals and citizens of the Commonwealth of Pennsylvania, residing and owning the property situated at 4 Wagner Circle, Hummelstown, Dauphin County, Pennsylvania, and are engaged in business as partners of a business which operates two "7-Eleven" grocery stores at 12 East Main Street, Middletown, Dauphin County, Pennsylvania and 888 West Main Street, Hummelstown, Dauphin County, Pennsylvania, all within twenty miles of Three Mile Island.

(iii) Plaintiff, LeRoy I. Sykes, is an individual and a citizen of the Commonwealth of Pennsylvania, residing at 500 North Lockwillow Avenue, Dauphin County, Pennsylvania. LeRoy I. Sykes is a Doctor of Osteopathy, practicing medicine at 725 Maple Road, Middletown, Dauphin County, Pennsylvania, within twenty miles of Three Mile Island.

(iv) Plaintiffs, Monte H. E. Parfitt and Rose Marie Parfitt are individuals and citizens of the Commonwealth of Pennsylvania residing at and owning property

situated at 11 Fay Road, Middletown, Pennsylvania, within twenty miles of Three Mile Island.

(v) Plaintiff, Walter J. Lachewitz, Jr. is an individual and citizen of the Commonwealth of Pennsylvania residing at and owning the property situated at 17 Mill Street Middletown, Pennsylvania, within twenty miles of Three Mile Island.

(vi) Plaintiff, American Vanguard Systems, Inc., t/a Millhouse Restaurant, is a business situated at 17 Mill Street, Middletown, Pennsylvania, within twenty miles of Three Mile Island.

(vii) Plaintiffs, Samuel W. Fleck and Louise E. Fleck are individuals and citizens of the Commonwealth of Pennsylvania residing at and owing the property situated at 3579 Chambers Hill Road, Harrisburg, Pennsylvania.

(viii) Plaintiff, David A. Barbarette, is an individual and a citizen of the Commonwealth of Pennsylvania residing at R.D. #1, Route 441, Middletown, Pennsylvania, within twenty miles of Three Mile Island.

(ix) Plaintiffs, Leonard J. Bourinski and Joyce E. Bourinski are individuals and citizens of the



Commonwealth of Pennsylvania residing at R.D. #2, Box 2772, Eppers, Pennsylvania 17319, within three miles from Three Mile Island.

(x) Plaintiff, Joan E. Bretz, is an individual and a citizen of the Commonwealth of Pennsylvania residing at 266 Pine Street, Middletown, Pennsylvania 17057, within twenty miles from Three Mile Island.

(xi) Plaintiff, Gary F. Ditto, is an individual and a citizen of the Commonwealth of Pennsylvania residing at 275 South Houck's Road, Harrisburg, Pennsylvania 17109, within twenty miles from Three Mile Island.

(xii) Plaintiffs William E. Dunham and Patricia Dunham are individuals and citizens of the Commonwealth of Pennsylvania residing at R.D. #1, Box 640 RV, Eppers, Pennsylvania 17319, within three miles from Three Mile Island.

(xiii) Plaintiff, Espenshade Meats, is a business situated at R.D. #2, Elizabethtown, Pennsylvania 17022, within twenty miles of Three Mile Island.

(xiv) Plaintiff, Gilbert Freidman, is an individual and a citizen of the Commonwealth of Pennsylvania residing at 405 Sample Bridge Road, Mechanicsburg, Pennsylvania, 17055, within twenty miles from Three Miles Island.

(xv) Plaintiff, Mountainview Thoroughbred Racing Assn., Inc., is a corporation incorporated under the laws of Pennsylvania with its address at P. O. Box 32, Grantville, Pennsylvania 17028, within twenty miles of Three Mile Island.

(xvi) Plaintiff, Penn Photo, Ltd., is a corporation situated at 1306 North Third Street, Harrisburg, Pennsylvania within twenty miles of Three Mile Island.

(xvii) Plaintiff, Pennsylvania National Turf Club, Inc., is a corporation incorporated under the laws of Pennsylvania with its principal place of business situated at 25 Briarcrest Square, Hershey, Pennsylvania 17033, within twenty miles of Three Mile Island.

(xviii) Plaintiff, The Sport Nit, Inc., is a corporation with its principal place of business within twenty miles of Three Mile Island.

(h) (i) C. Robert Larsen and Marie K. Larsen, his wife, are adult individuals and reside at 144 South Early Street, Hummelstown, Pennsylvania. Said plaintiffs are owners of real property located seven miles from Three Mile Island and were forced to remain in that vicinity during the entire period of the below-described nuclear incident.

(ii) Peter Davis, and Carol A. Davis, his wife, are adult individuals and reside at R.D. #6, Hummelstown, Pennsylvania, approximately six miles from Three Mile Island. Said plaintiffs were evacuees from the vicinity of the nuclear incident. Plaintiff Carol A. Davis was pregnant at the time of the incident.

(iii) William Shields, and Susan Shields, his wife, are adult individuals and reside at R.D. #2, Elizabethtown, Pennsylvania. Said plaintiffs and their two young children were evacuees from the vicinity of the nuclear incident and are owners of real property located six miles from Three Mile Island.

(iv) Barry Buck and Toni Buck, his wife, are adult individuals and reside at 6 Shirley Drive, Middletown, Pennsylvania. Said plaintiffs and their two young children were evacuees from the vicinity of the nuclear incident and are owners of real property located three miles from Three Mile Island.

5. Defendants are:

(a) General Public Utilities Corporation ("GPU"), a public utility holding company. GPU is the parent company of Metropolitan Edison Co. ("Met Ed"), another defendant herein. GPU's principal offices are

located at 260 Cherry Hill Road, Parsippany, New Jersey  
07054.

(b) Metropolitan Edison Company ("Met Ed"), a corporation engaged in the production and sale of electricity. Met Ed is a subsidiary of GPU, is a 30% owner of the Three Mile Island nuclear powered electric generating facility and is the operator of that facility. Met Ed's principal offices are located at Post Office Box 542, Reading Pennsylvania 19703.

(c) Jersey Central Power & Light Company ("Jersey Central"), a corporation engaged in the business of producing and selling electricity. Jersey Central is a subsidiary of GPU and is a 25% owner of the Three Mile Island nuclear powered electric generating facility. Jersey Central's principal offices are located at Madison and Punchbown, Morristown, New Jersey.

(d) Pennsylvania Electric Company ("Pennsylvania Electric"), a corporation engaged in the business of producing and selling electricity. Pennsylvania Electric is a subsidiary of GPU and is a 25% owner of the Three Mile Island nuclear powered electric generating facility. Its principal offices are located at 1001 Broad Street, Johnstown, Pennsylvania 15907.

(e) Babcock and Wilcox Company ("Babcock"), a subsidiary of J. Ray McDermott & Co. Babcock is in the business, inter alia, of designing and constructing nuclear powered electric generating facilities and did so with respect to the Three Mile Island facility. Babcock is a New Jersey Corporation with its principal office at 161 East 42nd Street, New York, NY 10017.

(f) J. Ray McDermott & Company ("McDermott"), the parent and controlling company of Babcock and is a Delaware corporation. McDermott's principal offices are located at 1010 Common Street, New Orleans, Louisiana 70112.

(g) Catalytic, Inc. ("Catalytic"), the corporation responsible for maintenance of the Three Mile Island facility. Catalytic's principal offices are at 1500 Market Street, Philadelphia, Pennsylvania.

IV.

CLASS ACTION ALLEGATIONS

6. Plaintiffs bring these actions on behalf of themselves and, under Rule 23 of the Federal Rules of Civil Procedure, as representatives of the classes defined herein.

(a) One class ("Class I") consists of all individuals, proprietorships, partnerships, corporations, institutions and other business and professional entities

within a 25 mile radius of Three Mile Island, which have suffered economic harm as a result of the nuclear incident which is the subject of this complaint, but excluding the defendants themselves, and any subsidiaries and affiliates of the defendants. Plaintiffs are presently unable to state the precise size of the class, which numbers in the thousands. The class is sufficiently numerous that joinder of all its members is impracticable.

(b) One class ("Class II") consists of all those possessors of real property interests and residents within a 25 mile radius of Three Mile Island who have suffered economic harm as a result of the nuclear incident which is the subject of this complaint, but excluding the defendants themselves and their subsidiaries and affiliates, and the officers, directors, and managing agents of the defendants and their subsidiaries and affiliates. This class can be divided into three sub-classes:

- (i) homeowners;
- (ii) residents forced to evacuate;
- (iii) other persons possessing interests  
in real property.

Plaintiffs are presently unable to state the precise size of the class, which numbers in the thousands. The class is sufficiently numerous t. . . oinder of all its members is impracticable.

(c) One class ("Class III") consists of all those individuals within a 25 mile radius of Three Mile Island who suffered personal injury, incurred medical expenses, are threatened with medical expenses and/or illness, suffered emotional distress, and/or will require medical detection services, including independent inspections and surveys, for a reasonable number of years in the future to monitor the possibility of latent defects of said exposure, as a result of the nuclear incident which is the subject of this complaint, but excluding officers, directors and managing agents of the defendants themselves, and of any subsidiaries and affiliates of the defendants. Plaintiffs are presently unable to state the precise size of the class, which numbers in the thousands. The class is sufficiently numerous that joinder of all its members is impracticable.

7. Plaintiffs will fairly and adequately protect the interests of the respective classes. In each class, the interests of the class representatives are coincident with, and not antagonistic to, those of the remainder of the class. In addition, plaintiffs are represented by experienced and able counsel who have litigated class actions in this District and in other district and appellate courts throughout the United States.

8. Common questions of law and fact exist with respect to the nuclear incident which is the subject of this

complaint. The only possible individual question affecting individual members of the classes is the precise amount of damages to which each member of the classes is entitled.

9. Because the only non-common issue is the amount of individual damages to each particular class member, common questions of law and fact plainly predominate. Class action treatment is a superior method for the fair and efficient adjudication of the controversy herein described, because it permits a large number of injured persons, joinder of whom is impracticable, to prosecute their common claims in a single forum simultaneously and without unnecessary duplication. The class action provides an efficient method whereby the enforcement of the rights of plaintiffs, the class members, and the defendants can be fairly managed.

V.

NUCLEAR INCIDENT DEFINED

10. A "nuclear incident" as used in this complaint is defined to mean any occurrence, including an extraordinary nuclear occurrence, within the United States causing loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or by-product material, as set forth in 42 U.S.C. § 2014(q). A "nuclear incident" can also pose, as it did in



this case, a direct and immediate threat of bodily harm or death to those within close proximity to the situs of the occurrence.

VI.

VIOLATIONS ALLEGED

11. On or about March 28, 1979, and continuing thereafter at least until the date of filing of this complaint, a nuclear incident occurred at the Three Mile Island facility.

12. As a result of that nuclear incident, there was an imminent threat of dispersal of radioactive debris, and radioactive debris was dispersed, throughout the area at least within a 25 mile radius of the Three Mile Island facility. In addition, there was an imminent threat of a nuclear catastrophe including a potential "meltdown" of the Three Mile Island facility.

13. As a result of the nuclear incident and the dispersal of radioactive debris, a general emergency was declared, and pregnant women and children under five years old were requested to leave the five mile area around Three Mile Island. Numerous other persons, exercising reasonable prudence, were forced to leave the vicinity or avoided entering the vicinity.

14. Plaintiffs aver that the aforesaid incident at Three Mile Island will continue to cause people to leave the vicinity, will deter others from moving into the area and from purchasing property within the area, and will deter people from purchasing food and other consumer goods processed or manufactured within the area.

VII.

CAUSES OF VIOLATIONS ALLEGED

15. The nuclear incident was foreseeably and proximately caused by the following acts of the defendants, either singly or in combination:

(a) negligence or willful misconduct in the design of the Three Mile Island nuclear facility;

(b) negligence or willful misconduct in the manufacture and/or construction of the Three Mile Island nuclear facility;

(c) negligence or willful misconduct in the operation of the Three Mile Island nuclear facility;

(d) negligence or willful misconduct in the installation of the Three Mile Island nuclear facility;

(e) negligence or willful misconduct in the maintenance of the Three Mile Island nuclear facility;

(f) negligence or willful misconduct in handling the aftermath of the nuclear incident, including the negligent release or deliberate non-release of information to the public, or the announcement of misleading and/or inaccurate information;

(g) defects in the manufacture, construction, design, and/or installation of the nuclear reactor at the Three Mile Island nuclear facility, in violation of Pennsylvania law as reflected in Restatement (Second) of Torts, § 402A;

(h) the miscarriage of an ultrahazardous activity, namely, the activity of operating a nuclear facility; and

(i) the violation of the terms and conditions of the license issued by the United States Nuclear Regulatory Commission for the Three Mile Island nuclear facility, which license (and the statute requiring its issuance) was intended to protect and benefit individuals and businesses within the vicinity of such facility, including the plaintiffs and the class members.

VIII.

EFFECTS OF VIOLATIONS ALLEGED

16. The nuclear incident has had, inter alia, the following effects:

(a) Certain plaintiffs and members of Class I were closed for a period of time;

(b) Even after such plaintiffs and class members reopened, many employees refused to return to work, and many employees left their employment permanently;

(c) Certain individual plaintiffs and class members, in the exercise of reasonable prudence, were forced to evacuate the area for a period of time, causing expense and loss of income;

(d) Certain individual plaintiffs and class members were exposed or may have been exposed to radiation released from Three Mile Island and will require constant medical monitoring in the future and may require medical treatment therefrom;

(e) Certain individual plaintiffs and class members suffered serious emotional injury as a result of their exposure to such additional radiation, or the threat thereof, and have or may develop an unusually high level of

fear of developing cancer in the future, thereby shortening their life expectancy and causing them present diminution of the enjoyment of life;

(f) Certain plaintiffs and class members have experienced a material decline in the value of real property owned within twenty-five miles of Three Mile Island;

(g) The full extent of the injuries sustained by individual plaintiffs and class members as a result of exposure to the radioactive materials being emitted from defendants' Three Mile Island facility is presently unknown to these plaintiffs. However, proper medical procedure dictates that these plaintiffs and those other persons who have been exposed to the radioactive emissions from defendants' Three Mile Island nuclear facility should be examined at least four (4) times a year for the next twenty (20) years in order to detect and treat effectively the cancerous conditions which will likely result to plaintiffs and the members of Class III as a result of their exposure to radioactive materials.

17. The activities of defendants as alleged hereinabove render the Three Mile Island facility a public nuisance and have caused plaintiffs and class members irreparable harm.

IX.

DAMAGES TO PLAINTIFFS AND THE MEMBERS OF THE CLASSES

18. As a direct and proximate result of the violations alleged, plaintiffs and members of the plaintiff classes have suffered, are suffering and will continue to suffer the following loss and damage:

(a) Individual plaintiffs and class members have been exposed to radioactive emissions from Three Mile Island and thereby to a substantially increased probability of incurring cancer and/or genetic defects;

(b) Individual plaintiffs and class members have been subjected to the necessity of evacuating their homes either pursuant to the recommendation of the Governor of Pennsylvania or in the exercise of reasonable prudence and due care;

(c) Plaintiffs and class members have been deprived of the peaceful use and enjoyment of their property;

(d) Plaintiffs and class members have been injured by the diminution of the financial value of their property and business;

(e) Members of Class I have been damaged in that products may have become contaminated or spoiled,

customers and prospective customers fear the contamination of local food products and patronage has fallen off because of people leaving and/or staying away from the area;

(f) Members of Class I have been damaged by employee absenteeism, work stoppages, and interruptions in shipments from suppliers and to customers, due to the nuclear incident at the Three Mile Island.

(g) Plaintiffs and class members have suffered other "consequential and incidental" injuries, harm, and/or damages as a result of the violations alleged hereinabove.

X.

JURY TRIAL DEMAND

19. Plaintiffs demand a trial by jury of all issues so triable in these cases.

XI.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray that:

A. Plaintiffs and other members of the classes recover the damages determined to have been sustained by each of them respectively, and that judgment be entered

herein jointly and severally against the defendants, and each of them, for the amounts determined.

B. The Court enter an appropriate Order directing that the nuisance be abated.

C. The Court impose a constructive trust upon the real and personal property owned by defendants in an amount sufficient to pay for the cost of the individual plaintiffs and members of their class receiving medical diagnostic, and treatment services for the next twenty (20) years with regard to possible cancerous and abnormal genetic conditions which they might develop.

D. This Court grant such other, further and different relief as may be deemed just and proper.

E. Plaintiffs and members of the classes recover the costs of this suit, including any expert witness fees, together with reasonable attorneys' fees.

OF COUNSEL:  
DAVID BERGER, P.A.  
ATTORNEYS-AT-LAW

DAVID BERGER, P.A.

By David Berger  
David Berger  
1622 Locust Street  
Philadelphia, PA 19103  
(215) 732-8000

Liasion Counsel for All Plaintiffs

and



JAMESON & MILSPA W  
100 Chestnut Street  
Suite 206  
Harrisburg, PA 17101  
(717) 236-7999

COHEN, SHAPIRO, POLISHER,  
SHIEKMAN & COHEN  
PSFS Building, 22nd Floor  
12 South 12th Street  
Philadelphia, PA 1910.  
(215) 922-1300

Mandell K. Shanken, Esquire  
P. O. Box 249  
Carlisle, PA 17013  
(717) 249-1424

ADLER, BARISH, DANIELS, LEVIN  
& CRESKOFF  
Rehm & Haas Bldg., 2nd Floor  
6th & Market Streets  
Philadelphia, PA 19106  
(215) 923-8900

HEPFORD, ZIMMERMAN & SWARTZ  
111 North Front Street  
P. O. Box 889  
Harrisburg, PA 17109  
(717) 234-4121

STOCK & LEADER  
35 South Duke Street  
York, PA 17401  
(717) 843-8871

BAILEY & BRODER  
350 5th Avenue  
New York, NY 10001  
(212) 244-2000

HANDLER & WEINER  
Suite 1005  
Payne-Shoemaker Building  
240 North Third Street  
P. O. Box 1177  
Harrisburg, PA 17108  
(717) 234-8031

BEASLEY, HEWSON & CASEY  
21 South 12th Street  
5th Floor  
Philadelphia, PA 19107  
(215) 665-1000

KRANK, GROSS & CASPER  
338 Park City Center  
Lancaster, PA 17601  
(717) 299-7327

BARRACK, RODOS & McMAHON  
2000 Market Street  
Philadelphia, PA 19103  
(215) 963-0600

MEISENHEDLER & ASSOCIATES  
11 East Market Street  
York, PA 17401  
(717) 843-8046

Barry A. Roth, Esquire  
Attorney at Law  
120 South Street  
Harrisburg, PA 17101  
(717) 234-2401

CERTIFICATE OF SERVICE

I, RICHARD M. ABRAMS, ESQUIRE, of David Berger, P.A., liaison counsel for plaintiffs in the above-captioned case, hereby certify that on June 27, 1979, I hand delivered a true and correct copy of the Consolidated Complaint to John G. Harkins, Jr., Esquire, Edward W. Madeira, Jr., Esquire, and/or A.H. Wilcox, Esquire, of Pepper, Hamilton & Scheetz, Counsel of record for all defendants herein, located at 2001 the Fidelity Building, 123 South Broad Street, Philadelphia, PA 19109.

*Richard M. Abrams*  
RICHARD M. ABRAMS