

STATE OF ILLINOIS )  
 )  
COUNTY OF COOK )

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

ILENE BULLOCK; ERIN DENNEY; KENNETH )  
DENNEY; BRITTNI SLUSHER; TERI WHIPPLE- )  
CHAMPOUX; ROB SLUSHER; GEORGE ROCHA; )  
ANGELINA ROCHA; RUBEN ROCHA; MYLO )  
BOTTA; DELISA CASTRO; CHARLES MARCO; )  
JOHN STEWART; JOHN M. STEWART; DELORES )  
STEWART; JULIE BOJORQUEZ; JENNIE BOJORQUEZ )  
FRANK BOJORQUEZ; MICHAEL VASQUEZ; )  
MARGARET MOUNTAIN, SAMUEL VASQUEZ; )  
JOSEPH MEDINA, a minor by his mother and next friend, )  
BERTHA MEDINA; BERTHA MEDINA; MIKE )  
MEDINA; SAMMUAL T. WILBANKS II, a minor )  
by his mother and next friend, JENNIFER WILBANKS; )  
JENNIFER WILBANKS; SAMMUAL T. WILBANKS; )

Plaintiffs, )

-vs.- )

MOTOROLA SOLUTIONS, INC., f/k/a MOTOROLA, )  
INCORPORATEDORPORATED, )

Defendant. )

No. )

**COMPLAINT AT LAW**

**COUNT I**  
**NEGLIGENCE**

NOW COME the Plaintiffs, ILENE BULLOCK; BRITTNI SLUSHER; GEORGE  
ROCHA; MYLO BOTTA; JOHN STEWART; JULIE BOJORQUEZ; MICHAEL VASQUEZ;  
JOSEPH MEDINA, a minor by his mother and next friend, BERTHA MEDINA; and  
SAMMUAL T. WILBANKS II, a minor by his mother and next friend, JENNIFER WILBANKS  
and through their attorneys, COONEY & CONWAY, PHILLIPS & PAOLICELLI, LLP and

THORNTON & NAUMES, LLP, and in support of claims against the Defendant, MOTOROLA SOULTIONS, INC. f/k/a MOTOROLA, INC. ("MOTOROLA"), state as follows:

1. Plaintiff, ILENE BULLOCK, was born April 20, 1983 and is the natural daughter of ERIN DENNEY and KENNETH DENNY.
2. Plaintiff, BRITTNI SLUSHER, was born April 22, 1986 and is the natural daughter of TERI WHIPPLE-CHAMPOUX and ROB SLUSHER.
3. Plaintiff, GEORGE ROCHA, was born November 3, 1986 and is the natural son of ANGELINA ROCHA and RUBEN ROCHA.
4. Plaintiff, MYLO BOTTA, was born March 25, 1995 and is the natural son of DELISA CASTRO and CHRALES MARCO.
5. Plaintiff, JOHN STEWART, was born March 21, 1974 and is the natural son of JOHN M. STEWART and DELORES STEWART.
6. Plaintiff, JULIE BOJORQUEZ, was born April 24, 1983 and is the natural daughter of JENNIE BOJORQUEZ and FRANK BOJORQUEZ.
7. Plaintiff, MICHAEL VASQUEZ, was born January 20, 1975 and is the natural son of MARGARET MOUNTAIN and SAMUEL VASQUEZ.
8. Plaintiff, JOSEPH MEDINA, was born August 28, 1998 and is the natural son of BERTHA MEDINA and MIKE MEDINA.
9. Plaintiff, SAMMUAL T. WILBANKS II, was born July 11, 2003 and is the natural son of JENNIFER WILBANKS and SAMMUAL T. WILBANKS.
10. At all relevant times, Defendant, MOTOROLA, was, and still is, a Delaware Corporation doing business in Illinois with its world headquarters located in Schaumburg, Cook County, Illinois.

11. At all relevant times prior to and including 1999, Defendant, MOTOROLA owned, operated, managed and controlled certain manufacturing facilities, including the semiconductor manufacturing facility located at or near 52<sup>nd</sup> Street and McDowell in Phoenix, Arizona ("52<sup>nd</sup> Street Plant").

12. At all relevant times prior to and including 2004, Defendant, MOTOROLA owned, operated, managed and controlled certain manufacturing facilities, including the semiconductor manufacturing facility located at or near Broadway and Dobson streets in Mesa, Arizona ("Mesa Plant").

13. At all relevant times prior to and including 2004, Defendant, MOTOROLA owned, operated, managed and controlled certain manufacturing facilities, including the semiconductor manufacturing facility located at or near Hayden and McDowell streets in Scottsdale, Arizona ("Hayden Plant").

14. At all relevant times prior to and including 2004, Defendant, MOTOROLA owned, operated, managed and controlled certain manufacturing facilities, including the semiconductor manufacturing facility located at or near 1300 N. Alma School Road in Chandler, Arizona ("Chandler Plant").

15. From approximately 1981 until 2004, ERIN DENNEY was an employee of MOTOROLA at the Mesa Plant.

16. ERIN DENNEY became pregnant with ILENE BULLOCK during her employment with MOTOROLA and continued said employment during the pregnancy.

17. At all relevant times, ERIN DENNEY worked in and around wafer processing areas and elsewhere at the above-referenced MOTOROLA facility where various semiconductor products or components were being manufactured.

18. From approximately 1981 until 2002, TERI WHIPPLE-CHAMPOUX was an employee of MOTOROLA at the Mesa Plant.

19. TERI WHIPPLE-CHAMPOUX became pregnant with BRITTONI SLUSHER during her employment with MOTOROLA and continued said employment during the pregnancy.

20. At all relevant times, TERI WHIPPLE-CHAMPOUX worked in and around wafer processing areas and elsewhere at the above-referenced MOTOROLA facility where various semiconductor products or components were being manufactured.

21. From approximately 1979 until 1991, ANGELINA ROCHA was an employee of MOTOROLA at the 52<sup>nd</sup> Street Plant.

22. ANGELINA ROCHA became pregnant with GEORGE ROCHA during her employment with MOTOROLA and continued said employment during the pregnancy.

23. At all relevant times, ANGELINA ROCHA worked in and around wafer processing areas and elsewhere at the above-referenced MOTOROLA facility where various semiconductor products or components were being manufactured.

24. From approximately 1981 until 1994, DELISA CASTRO was an employee of MOTOROLA at the Mesa Plant.

25. DELISA CASTRO became pregnant with MYLO BOTTA during her employment with MOTOROLA and continued said employment during the pregnancy.

26. At all relevant times, DELISA CASTRO, worked in and around wafer processing areas and elsewhere at the above-referenced MOTOROLA facility where various semiconductor products or components were being manufactured.

27. From approximately 1963 until 1975, DELORES STEWART, was an employee of MOTOROLA at the Hayden Plant.

28. From approximately 1967 until 1977, JOHN M. STWEART, was an employee of MOTOROLA at the Hayden Plant.

29. DELORES STEWART became pregnant with JOHN STEWART during the period in which she and JOHN M. STEWART were employed by MOTOROLA as aforesaid and continued said employment during the pregnancy.

30. At all relevant times, JAMES M. STEWART and DELORES STEWART, worked in and around wafer processing areas and elsewhere at the above-referenced MOTOROLA facility where various semiconductor products or components were being manufactured.

31. From approximately 1972 until 1996, JENNIE BOJORQUEZ, was an employee of MOTOROLA at the 52<sup>nd</sup> Street Plant.

32. JENNIE BOJORQUEZ became pregnant with JULIE BOJORQUEZ during her employment with MOTOROLA and continued said employment during the pregnancy.

33. At all relevant times, JENNIE BOJORQUEZ, worked in and around wafer processing areas and elsewhere at the above-referenced MOTOROLA facility where various semiconductor products or components were being manufactured.

34. From approximately 1967 until 1972, MARGARET MOUNTAIN was an employee of MOTOROLA at the 52<sup>nd</sup> Street Plant.

35. During 1974 and from approximately 1982 until 1998, MARGARET MOUNTAIN was an employee of MOTOROLA at the Mesa Plant.

36. MARGARET MOUNTAIN became pregnant with MICHAEL VASQUEZ during her employment with MOTOROLA and continued said employment during the pregnancy.

37. At all relevant times, MARGARET MOUNTAIN, worked in and around wafer processing areas and elsewhere at the above-referenced MOTOROLA facilities where various semiconductor products or components were being manufactured.

38. From approximately 1979 until 1981, BERTHA MEDINA was an employee of MOTOROLA at the 52<sup>nd</sup> Street Plant.

39. From approximately 1981 until 1996, BERTHA MEDINA was an employee of MOTOROLA at the Mesa Plant.

40. From approximately 1981 until 1984, from 1986 until 1997 and from 1999 until 2002 MIKE MEDINA was an employee of MOTOROLA at the Mesa Plant.

41. From approximately 1997 until 1999 MIKE MEDINA was an employee of MOTOROLA at the 52<sup>nd</sup> Street Plant.

42. At all relevant times, BERTHA MEDINA and MIKE MEDINA worked in and around wafer processing areas and elsewhere at the above-referenced MOTOROLA facilities where various semiconductor products or components were being manufactured.

43. From approximately 1998 until 2004, JENNIFER WILBANKS was an employee of MOTOROLA at the Chandler Plant.

44. JENNIFER WILBANKS became pregnant with SAMMUAL T. WILBANKS II during her employment with MOTOROLA and continued said employment during the pregnancy.

45. At all relevant times, JENNIFER WILBANKS worked in and around wafer processing areas and elsewhere at the above-referenced MOTOROLA facilities where various semiconductor products or components were being manufactured.

46. At all relevant times, Defendant, MOTOROLA, developed, determined, approved and/or directed certain policies and procedures from its Schaumburg headquarters, including a decision to utilize known or suspected teratogenic, genotoxic and/or reproductively toxic chemical products and/or substances in the aforesaid wafer processing areas.

47. At all relevant times Defendant, MOTOROLA, developed, determined, approved and/or directed the aforesaid policy and/or procedures with notice and knowledge of the following:

- a. Statements or warnings from chemical industry groups, including the American Petroleum Institute, about dangers associated with exposure to organic solvents;
- b. Medical studies linking environmental exposures to solvents to congenital central nervous system malformations and other reproductive injury;
- c. Medical studies linking ethylene glycol ether exposure to adverse reproductive outcomes;
- d. Advisories from the Semiconductor Industry Association about the reproductive hazards associated with occupational exposures to certain chemicals, metals and other toxic substances used in the manufacture of semiconductor products and components in the wafer processing areas;
- e. Warnings from the California Occupational Safety and Health Administration about the reproductive harms associated with exposures to ethylene glycol ethers that were used in the semiconductor manufacturing process;
- f. Warnings and/or alerts from chemical manufacturers and suppliers, including but not limited to, Union Carbide Corporation and DuPont, about the risks of birth defects and/or other serious reproductive harms associated with exposures to ethylene glycol ethers used in the manufacture of semiconductor products or components;
- g. A warning from Bryan Hardin of the National Institute for Occupational Safety and Health about reproductive hazards of ethylene glycol ethers;
- h. A presentation by Dr. Peter Orris of NIOSH relating chlorinated solvent, solvent, heavy metal and/or radiation exposures to reproductive harm and

emphasizing that pregnant employees should not be exposed to solvents or lead.

- i. The results of a Digital Equipment Study through the University of Massachusetts Division of Public Health which documented a statistically significant increase in the incidence of adverse reproductive outcomes to manufacturing workers exposed to solvents, metals and other toxic substances used in the manufacture of semiconductors;
- j. In the mid 1980's, the Semiconductor Industry Association, with the knowledge, support and funding of the semiconductor industry, including upon information and belief Defendant, MOTOROLA, undertook to develop and implement a study to investigate the reproductive hazards of working in the semiconductor manufacturing industry. As reflected in interim reports and in the final report published in or about 1992, the study documented an increased risk of adverse reproductive outcomes to semiconductor workers;
- k. In or about 1984, chemical manufacturer Hoechst Celanese developed less reproductively toxic process chemicals to be substituted in the manufacturing process of semiconductors, and began actively promoting and marketing the products as safer alternatives to the semiconductor industry, including upon information and belief Defendant, MOTOROLA;
- l. A retrospective and prospective epidemiological study initiated by semiconductor manufacturer IBM and administered by The Johns Hopkins University which documented the serious reproductive harms and adverse outcomes resulting from occupational exposures to chemical products and substances in the semiconductor manufacturing work environment;
- m. Reporting obligations under regulations issued pursuant to the Toxic Substances Control Act.

48. While working for the defendant, ERIN DENNEY, TERI WHIPPLE-CHAMPOUX, ANGELINA ROCHA, DELISA CASTRO, DELORES STEWART, JOHN M. STEWART, JENNIE BOJORQUEZ, MARGARET MOUNTAIN, BERTHA MEDINA, MIKE MEDINA and JENNIFER WILBANKS (hereinafter collectively referred to as "EMPLOYEE PARENTS"), and each of them, worked with, in proximity to and/or was exposed to chemical products and substances that were utilized in the process of manufacturing the semiconductor products or components.



49. Upon information and belief, the chemical products and substances to which the EMPLOYEE PARENTS were exposed during their employment at the above-referenced MOTOROLA facilities included some or all of the following, among others:

- a) Ethylene glycol ethers - used as individual solvents and also present as constituents in various photoresist formulations and systems;
- b) Propylene glycol ethers as individual solvents and also present as constituents in various photoresist formulations and systems;
- c) Positive Photoresist systems and their respective ingredients over and above ethylene and propylene-based glycol ethers: specifically including the solvents xylene, n-butyl acetate, and n-methyl pyrrolidone, the catalyst trihydroxy benzophenone (THBP) and the diazo naphthoquinone (DNQ) resins;
- d) Fluorine compounds used in various etch processes – e.g. Ammonium fluoride, aluminum fluoride, boron trifluoride and sulfur hexafluoride;
- e) Chlorinated compounds used in various etch processes including hydrogen chloride, ammonium chloride, aluminum chloride and boron trichloride;
- f) Acids used in various etch processes including hydrofluoric acid and sulfuric acid;
- g) Radio frequency radiation and ionizing radiation used both in association with wafer processing areas process chemicals and for the purpose of generating new chemical mixtures, e.g., “plasmas;”
- h) Arsenic compounds including gallium arsenide, inorganic arsenic and arsine gas;
- i) Volatile organic degreasing and cleaning solvents including trichloroethylene, methylene chloride, stabilized trichloroethane, Freon 113 and stabilizers added to these degreasing solvents such as epichlorohydrin and epichlorohydrin 1, 4 dioxane;
- j) Organic solvents such as benzene, toluene, acetone, methyl ethyl ketone (MEK) and methanol;
- k) Epoxy resin-based glues made from epichlorohydrin and bisphenol A.

50. Upon information and belief, at all relevant times, some or all of the aforementioned chemical products and substances were manufactured, designed, formulated, re-formulated, mixed, sold and/or distributed by Defendant, MOTOROLA.

51. Defendant, MOTOROLA, supplied and/or provided some or all of the aforementioned chemical products and substances to the EMPLOYEE PARENTS for their use at the MOTOROLA facilities.

52. The work of the EMPLOYEE PARENTS in manufacturing the aforesaid semiconductor products or components and/or otherwise working in proximity to such manufacture required them to use, come into contact with, and/or work in proximity to some or all of the aforementioned chemical products and substances.

53. The aforementioned chemical products and substances to which the EMPLOYEE PARENTS were exposed were prescribed, specified and/or approved for use by MOTOROLA, including MOTOROLA management in Schaumburg, Illinois.

54. At all relevant times, MOTOROLA management in Schaumburg, Illinois was aware of the prescription, specification and/or approval for use of the aforesaid chemical products and substances.

55. The manufacturing processes and methods which the EMPLOYEE PARENTS performed and worked in proximity to at the MOTOROLA facilities were prescribed, specified and/or approved by MOTOROLA, including MOTOROLA management in Schaumburg, Illinois.

56. At all relevant times, MOTOROLA management in Schaumburg, Illinois was aware of the prescription, specification and/or approval of the aforesaid manufacturing processes and methods.

57. The work of the EMPLOYEE PARENTS in manufacturing the aforesaid semiconductor products or components and/or otherwise working in proximity to such manufacture resulted in their repeated and prolonged contact with and exposure to some or all of the aforementioned chemical products and substances.

58. At all relevant times, Defendant, MOTOROLA, monitored its employees' exposure to some or all of the aforesaid chemical products and substances.

59. At all relevant times, MOTOROLA management in Schaumburg, Illinois was aware of the monitoring of its employees' exposure to the aforesaid chemical products and substances.

60. At all relevant times, Defendant, MOTOROLA, monitored the medical condition, including the reproductive health, of its employees.

61. At all relevant times, MOTOROLA management in Schaumburg, Illinois was aware of the monitoring of the medical condition, including the reproductive health, of its employees.

62. At all relevant times, Defendant, MOTOROLA, tracked the incidence of adverse reproductive outcomes among the offspring of its employees.

63. At all relevant times, MOTOROLA management in Schaumburg, Illinois was aware of the tracking of the incidence of adverse reproductive outcomes among offspring of its employees.

64. At all relevant times, Defendant, MOTOROLA, tracked the potential disease burden to its employees and their families posed by exposure to some or all of the aforementioned chemical products and substances.

65. At all relevant times, MOTOROLA management in Schaumburg, Illinois was aware of the tracking of the potential disease burden to its employees and their families posed by exposure to some or all of the aforementioned chemical products and substances.

66. The exposure of MOTOROLA employees, including the EMPLOYEE PARENTS, to some or all of the aforesaid chemical products and substances was foreseeable to Defendant, MOTOROLA, and therefore was, or should have been, anticipated by MOTOROLA management in Schaumburg, Illinois.

67. The potential for adverse reproductive outcomes among MOTOROLA employees, including the EMPLOYEE PARENTS, and their offspring was foreseeable to Defendant, MOTOROLA, and therefore was, or should have been, anticipated by MOTOROLA management in Schaumburg, Illinois.

68. From time to time prior to and during the employment of the EMPLOYEE PARENTS' employment, Defendant, MOTOROLA, at its Schaumburg, Illinois headquarters, developed, approved and/or promulgated industrial hygiene policies and procedures to be followed by its various manufacturing facilities, including the 52<sup>nd</sup> Street Plant, the Mesa Plant, the Hayden Plant and the Chandler Plant.

69. The aforesaid industrial hygiene policies did not include any warnings to workers about the potential for reproductive harm resulting from exposure to the aforesaid chemical products and substances.

70. The aforesaid industrial hygiene policies did not include reasonable standards, regulations or guidelines to protect the health and safety of those persons, including the EMPLOYEE PARENTS and their offspring, who would foreseeably be exposed to some or all of the aforesaid chemical products and substances.

71. The aforesaid industrial hygiene policies did not include reasonable standards or regulations to minimize the dangers to those persons, including the EMPLOYEE PARENTS and their offspring, who would foreseeably be exposed to some or all of the aforesaid chemical products and substances.

72. The aforesaid industrial hygiene procedures did not include reasonable methods, processes or controls to prevent worker exposure to some or all of the aforesaid chemical products and substances in excess of recognized levels and standards.

73. From time to time prior to and during the periods of employment of the EMPLOYEE PARENTS, Defendant, MOTOROLA, at its Schaumburg, Illinois headquarters, developed, approved and/or conducted training programs for employees of its semiconductor manufacturing facilities, including the 52<sup>nd</sup> Street Plant, the Mesa Plant, the Hayden Plant and the Chandler Plant.

74. The aforesaid training programs did not include any warnings to workers about the potential for reproductive harm resulting from exposure to the aforesaid chemical products and substances.

75. The aforesaid training programs did not include any warnings to workers about the potential for adverse reproductive outcomes, including miscarriage, stillbirth and/or birth defects, among their offspring resulting from exposure to the aforesaid chemical products and substances.

76. Prior to and during the employment of the EMPLOYEE PARENTS, Defendant, MOTOROLA, including management in Schaumburg, Illinois, designed and/or approved the floor plans of semiconductor manufacturing facilities, including the 52<sup>nd</sup> Street Plant, the Mesa Plant, the Hayden Plant and the Chandler Plant.

77. Prior to and during the employment of the EMPLOYEE PARENTS, Defendant, MOTOROLA, including management in Schaumburg, Illinois, designed, approved, installed and/or maintained the ventilation, exhaust and/or air circulation systems for semiconductor manufacturing facility wafer processing areas, including those at the 52nd Street Plant, the Mesa Plant, the Hayden Plant and the Chandler Plant.

78. By MOTOROLA corporate specification, configuration and/or design, the aforesaid ventilation, exhaust and/or air circulation systems only filtered particulates for purposes of protecting the semiconductor products or components.

79. The aforesaid ventilation, exhaust and/or air circulation systems were not designed or configured to permanently remove the aforesaid chemical products or substances from the re-circulated or ambient air in the wafer processing areas.

80. The aforesaid ventilation, exhaust and/or air circulation systems were not designed or configured for the purpose of protecting workers from inhalation or skin exposure to the some or all of the aforesaid chemical products or substances.

81. The re-circulated or ambient air in the wafer processing areas where the EMPLOYEE PARENTS worked contained some or all of the aforesaid chemical products or substances.

82. Personal protective equipment worn by wafer processing areas workers, including the EMPLOYEE PARENTS, was provided by Defendant, MOTOROLA, solely in order to protect the semiconductor products or components from particulates, rather than to protect workers from exposure to some or all of the chemical products or substances.

83. The aforesaid chemical products and substances to which the EMPLOYEE PARENTS were exposed were defective, unsafe and/or unreasonably dangerous.

84. At all relevant times, Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, failed to take reasonable and proper measures to protect its workers, including the EMPLOYEE PARENTS, from exposure to some or all of the aforesaid chemical products and substances.

85. At all relevant times, Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, failed and/or refused to warn workers, including the EMPLOYEE PARENTS, about the dangerous characteristics of some or all of the aforesaid chemical products and substances.

86. At all relevant times, Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, failed and/or refused to warn workers, including the EMPLOYEE PARENTS, about potential dangers to their reproductive health posed by exposure to some or all the aforesaid chemical products and substances.

87. At all relevant times, Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, failed and/or refused to warn workers, including the EMPLOYEE PARENTS, about the potential for adverse reproductive outcomes, including miscarriage, stillbirth and/or birth defects, among their offspring posed by exposure to some or all of the aforesaid chemical products and substances.

88. At all relevant times, Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, failed and/or refused to warn workers, including the EMPLOYEE PARENTS, about the potential injuries to their offspring posed by exposure to some or all of the aforesaid chemical products and substances.

89. At all relevant times, Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, failed to comply with reasonable standards and/or

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2014-L-003647  
PAGE 15 of 44

regulations designed to protect the health and safety of those persons, including the EMPLOYEE PARENTS and their offspring, who would foreseeably be exposed to some or all of the aforesaid chemical products and substances.

90. At all relevant times, Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, failed to reasonably and properly investigate, test and/or study the aforesaid chemical products and substances in order to identify the hazards associated with their use.

91. At all relevant times, Defendant, MOTOROLA's management in Schaumburg, Illinois was solely, directly and/or ultimately responsible for policies, decisions and precautions regarding the health and safety of its employees, including the EMPLOYEE PARENTS.

92. At all relevant times, Defendant, MOTOROLA's management in Schaumburg, Illinois was solely, directly and/or ultimately responsible for MOTOROLA's industrial hygiene policies and procedures.

93. From time to time, Defendant, MOTOROLA, conducted, or caused to be conducted, safety, health and/or industrial hygiene audits of its semiconductor manufacturing facilities, including the 52<sup>nd</sup> Street Plant, the Mesa Plant, the Hayden Plant and the Chandler Plant.

94. Certain members of the aforesaid audit teams were employed by Defendant, MOTOROLA, at its Illinois headquarters and/or facilities.

95. Results of the aforesaid audits were provided to and/or evaluated by MOTOROLA management in Schaumburg, Illinois, including the MOTOROLA law department.

96. Plant level actions in response to the results of the aforesaid audits were determined and/or approved by MOTOROLA management in Schaumburg, Illinois.



97. From time to time, actions taken in response to the aforesaid audit results were determined and/or approved by the MOTOROLA law department in Schaumburg, Illinois.

98. At all relevant times, MOTOROLA management in Schaumburg, Illinois was solely and/or ultimately responsible for compliance with all government regulations concerning chemical use, exposure and reporting.

99. At all relevant times, MOTOROLA management in Schaumburg, Illinois made and/or approved all decisions regarding the dissemination and communication of health, safety, industrial hygiene and OSHA compliance information to the employees of its semiconductor manufacturing facilities, including the 52<sup>nd</sup> Street Plant, the Mesa Plant, the Hayden Plant and the Chandler Plant.

100. Defendant, MOTOROLA, made express and implied warranties and representations, incorrectly and untruthfully, that the aforesaid chemical products and substances were safe and suitable for use.

101. Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, concealed information about health and/or reproductive hazards, including potential for birth defects, posed by exposure to some or all of aforementioned chemicals and substances from its semiconductor employees, including the EMPLOYEE PARENTS.

102. Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, misrepresented to its semiconductor employees, including the EMPLOYEE PARENTS, that working with or in proximity to some or all of the aforesaid chemical products and substances in the wafer processing areas was safe.

103. Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, misrepresented to its semiconductor employees, including the EMPLOYEE PARENTS,

that working with or in proximity to some or all of the aforesaid chemical products and substances in the wafer processing areas did not pose a danger of injury or birth defect to their offspring.

104. Defendant, MOTOROLA, including MOTOROLA management in Schaumburg, Illinois, misrepresented to the EMPLOYEE PARENTS and its other similarly situated semiconductor employees that they worked in a reproductively safe workplace where they might work without fear of adverse consequences or injury to their offspring.

105. Defendant, MOTOROLA's actions in concealing from and misrepresenting to the EMPLOYEE PARENTS the dangers posed to their offspring by exposure to some or all of the aforesaid chemical products and substances were taken for the express and conscious purpose of inducing the EMPLOYEE PARENTS to continue to work for the benefit of Defendant, MOTOROLA.

106. At all relevant times, Defendant, MOTOROLA, had a non-delegable duty to use reasonable care for the safety and protection of the EMPLOYEE PARENTS and their unborn offspring from exposure to reproductively toxic, genotoxic, mutagenic, hazardous, and teratogenic chemicals, including the aforesaid chemical products and substances, in the workplace.

107. At said time and place, notwithstanding its aforesaid duties, the Defendant, MOTOROLA, was then and there guilty of one or more of the following wrongful acts and/or omissions;

- a) Failed to take reasonable and proper measures to protect its workers, including the EMPLOYEE PARENTS, from exposure to some or all of the aforesaid chemical products and substances;

- b) Failed to warn workers, including the EMPLOYEE PARENTS, about the dangerous characteristics of some or all of the aforesaid chemical products and substances;
- c) Failed to warn workers, including the EMPLOYEE PARENTS, about potential dangers to their reproductive health posed by exposure to some or all of the aforesaid chemical products and substances;
- d) Failed to warn workers, including the EMPLOYEE PARENTS, about the potential for adverse reproductive outcomes, including miscarriage, stillbirth and/or birth defects among their offspring, posed by exposure to some or all of the aforesaid chemical products and substances;
- e) Failed to warn workers, including the EMPLOYEE PARENTS, about the potential injuries to their offspring posed by exposure to some or all of the aforesaid chemical products and substances;
- f) Failed to comply with reasonable standards and/or regulations designed to protect the health and safety of those persons, including the EMPLOYEE PARENTS and their offspring, who would foreseeably be exposed to some or all of the aforesaid chemical products and substances;
- g) Failed to reasonably and properly investigate, test and/or study the aforesaid chemical products and substances in order to fully identify the health hazards associated with their use;
- h) Failed to design, approve and/or implement reasonable and proper industrial hygiene policies, procedures and/or controls to protect semiconductor employees, including the EMPLOYEE PARENTS, from dangers associated with exposure to some or all of the aforesaid chemical products and substances;
- i) Failed to design, approve and/or implement reasonable and proper chemical handling and disposal policies, procedures and/or controls to protect semiconductor workers, including the EMPLOYEE PARENTS and their offspring from dangers associated with exposure to some or all of the aforesaid chemical products and substances;
- j) Failed to design, approve and/or install exhaust, ventilation and/or air circulation systems for the semiconductor wafer processing areas to reasonably protect employees, including the EMPLOYEE PARENTS, from exposure to some or all of the aforesaid chemical products and substances;
- k) Failed to provide proper and adequate personal protective equipment to employees, including the EMPLOYEE PARENTS;

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2014-L-003647  
PAGE 19 of 44

- l) Provided inadequate training to employees, including the EMPLOYEE PARENTS, about the dangers to health posed by exposure to some or all of the aforesaid chemical products and substances;
- m) Failed to provide a safe place to work;
- n) Was otherwise negligent.

108. The alleged wrongful acts and omissions of Defendant, MOTOROLA, were motivated by a desire for unwarranted economic gain and profit.

109. During their periods of gestation, Plaintiffs, ILENE BULLOCK, BRITTONI SLUSHER, GEORGE ROCHA, MYLO BOTTA, JOHN STEWART, JULIE BOJORQUEZ, MICHAEL VASQUEZ, JOSEPH MEDINA and SAMMUAL WILBANKS II, sustained injury *in utero* as a result of his/her parent's wrongful exposure to some or all of the aforesaid chemical products and substances.

110. The personal injuries of Plaintiffs, ILENE BULLOCK, BRITTONI SLUSHER, GEORGE ROCHA, MYLO BOTTA, JOHN STEWART, JULIE BOJORQUEZ, MICHAEL VASQUEZ, JOSEPH MEDINA and SAMMUAL WILBANKS II, were caused or contributed to by his/her parent's wrongful exposure to some or all of the aforesaid chemical products and substances as a result her work at the aforesaid MOTOROLA facilities.

111. The EMPLOYEE PARENTS do not allege a direct injury or cause of action as a result of their exposure to some or all of the aforesaid chemical products and substances, but makes only a claim for loss of consortium which is wholly derivative of the direct cause of action of his/her injured child.

112. The claims of Plaintiffs, ILENE BULLOCK, BRITTONI SLUSHER, GEORGE ROCHA, MYLO BOTTA, JOHN STEWART, JULIE BOJORQUEZ, MICHAEL VASQUEZ,

JOSEPH MEDINA and SAMMUAL WILBANKS II, are for direct injury and are not derivative of any claim or potential claim of his/her parent.

113. The instant action is filed within two years of the date when each EMPLOYEE PARENT knew or reasonably could have known that the alleged injuries to his/her child were wrongfully caused.

114. Plaintiffs, ILENE BULLOCK, BRITNI SLUSHER, GEORGE ROCHA, MYLO BOTTA, JOHN STEWART, JULIE BOJORQUEZ, MICHAEL VASQUEZ, JOSEPH MEDINA and SAMMUAL WILBANKS II, are not, and never have been, employees of Defendant, MOTOROLA.

115. None of alleged injuries to Plaintiffs, ILENE BULLOCK, BRITNI SLUSHER, GEORGE ROCHA, MYLO BOTTA, JOHN STEWART, JULIE BOJORQUEZ, MICHAEL VASQUEZ, JOSEPH MEDINA and SAMMUAL WILBANKS II, is compensable under any potentially applicable Workers Compensation statute.

116. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and ERIN DENNEY's exposure to the aforesaid chemical products and substances, Plaintiff, ILENE BULLOCK sustained injuries and/or damages, including hydrocephalus; spina bifida with resultant multiple amputations; developmental delays; physical disfigurement and disabilities; pain and suffering; mental and emotional anguish; loss of normal life, including the pursuit of the pleasurable aspects of life; inability to participate in activities as would an unimpaired individual of her age and background; lost income and/or earning opportunities; medical expenses; other economic loss; other injuries and damages.

117. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and ERIN DENNY's exposure to the aforesaid chemical products and substances, Plaintiff, ILENE BULLOCK will continue to suffer such injuries and/or damages in the future.

118. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and TERI WHIPPLE-CHAMPOUX's exposure to the aforesaid chemical products and substances, Plaintiff, BRITTNI SLUSHER sustained injuries and/or damages, including panhypopituitarism; blindness; developmental delays; physical disfigurement and disabilities; pain and suffering; mental and emotional anguish; loss of normal life, including the pursuit of the pleasurable aspects of life; inability to participate in activities as would an unimpaired individual of her age and background; lost income and/or earning opportunities; medical expenses; other economic loss; other injuries and damages.

119. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and TERI WHIPPLE-CHAMPOUX's exposure to the aforesaid chemical products and substances, Plaintiff, BRITTNI SLUSHER will continue to suffer such injuries and/or damages in the future.

120. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and ANGELINA ROCHA's exposure to the aforesaid chemical products and substances, Plaintiff, GEORGE ROCHA sustained injuries and/or damages, including skeletal abnormalities; developmental delays; physical disfigurement and disabilities; pain and suffering; mental and emotional anguish; loss of normal life, including the pursuit of the pleasurable aspects of life; inability to participate in activities as would an

ELECTRONICALLY FILED  
3/31/2014 3:50 PM  
2014-L-003647  
PAGE 22 of 44

unimpaired individual of his age and background; lost income and/or earning opportunities; medical expenses; other economic loss; other injuries and damages.

121. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and ANGELINA ROCHA's exposure to the aforesaid chemical products and substances, Plaintiff, GEORGE ROCHA will continue to suffer such injuries and/or damages in the future.

122. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and DELISA CASTRO's exposure to the aforesaid chemical products and substances, Plaintiff, MYLO BOTTA sustained injuries and/or damages, including Wilms tumor and resultant surgery; physical disfigurement and disabilities; pain and suffering; mental and emotional anguish; loss of normal life, including the pursuit of the pleasurable aspects of life; inability to participate in activities as would an unimpaired individual of his age and background; lost income and/or earning opportunities; medical expenses; other economic loss; other injuries and damages.

123. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and DELISA CASTRO's exposure to the aforesaid chemical products and substances, Plaintiff, MYLO BOTTA will continue to suffer such injuries and/or damages in the future.

124. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and DELORES STEWART's and/or JOHN M. STEWART's exposure to the aforesaid chemical products and substances, Plaintiff, JOHN STEWART sustained injuries and/or damages, including cardiac abnormalities, a hole in his heart and leaking heart valves; disabilities; pain and suffering; mental and emotional anguish; loss of

normal life, including the pursuit of the pleasurable aspects of life; inability to participate in activities as would an unimpaired individual of his age and background; lost income and/or earning opportunities; medical expenses; other economic loss; other injuries and damages.

125. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and DELORES STEWART's and/or JOHN M. STEWART's exposure to the aforesaid chemical products and substances, Plaintiff, JOHN STEWART will continue to suffer such injuries and/or damages in the future.

126. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and JENNIE BOJORQUEZ's exposure to the aforesaid chemical products and substances, Plaintiff, JULIE BOJORQUEZ sustained injuries and/or damages, including horseshoe shaped kidney, kidney stones and abnormalities; disabilities; pain and suffering; mental and emotional anguish; loss of normal life, including the pursuit of the pleasurable aspects of life; inability to participate in activities as would an unimpaired individual of her age and background; lost income and/or earning opportunities; medical expenses; other economic loss; other injuries and damages.

127. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and JENNIE BOJORQUEZ's exposure to the aforesaid chemical products and substances, Plaintiff, JULIE BOJORQUEZ will continue to suffer such injuries and/or damages in the future.

128. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and MARGARET MOUNTAIN's exposure to the aforesaid chemical products and substances, Plaintiff, MICHAEL VASQUEZ sustained injuries and/or damages, including club foot and skeletal deformities; physical disfigurement and disabilities;



pain and suffering; mental and emotional anguish; loss of normal life, including the pursuit of the pleasurable aspects of life; inability to participate in activities as would an unimpaired individual of his age and background; lost income and/or earning opportunities; medical expenses; other economic loss; other injuries and damages.

129. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and MARGARET MOUNTAIN's exposure to the aforesaid chemical products and substances, Plaintiff, MICHAEL VASQUEZ will continue to suffer such injuries and/or damages in the future.

130. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and BERTHA MEDINA's and MIKE MEDINA's exposure to the aforesaid chemical products and substances, Plaintiff, JOSEPH MEDINA sustained injuries and/or damages, including cerebral palsy, pulmonary dysplasia, developmental delay, asthma; physical disfigurement and disabilities; pain and suffering; mental and emotional anguish; loss of normal life, including the pursuit of the pleasurable aspects of life; inability to participate in activities as would an unimpaired individual of his age and background; lost income and/or earning opportunities; medical expenses; other economic loss; other injuries and damages.

131. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and BERTHA MEDINA's and MIKE MEDINA's exposure to the aforesaid chemical products and substances, Plaintiff, JOSEPH MEDINA will continue to suffer such injuries and/or damages in the future.

132. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and JENNIFER WILBANKS's exposure to the aforesaid chemical products and substances, Plaintiff, SAMMUAL T. WILBANKS II sustained injuries

and/or damages, including club foot and skeletal deformities; physical disfigurement and disabilities; pain and suffering; mental and emotional anguish; loss of normal life, including the pursuit of the pleasurable aspects of life; inability to participate in activities as would an unimpaired individual of his age and background; lost income and/or earning opportunities; medical expenses; other economic loss; other injuries and damages.

133. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and JENNIFER WILBANKS's exposure to the aforesaid chemical products and substances, Plaintiff, SAMMUAL T. WILBANKS II will continue to suffer such injuries and/or damages in the future.

WHEREFORE, the Plaintiffs, ILENE BULLOCK; BRITTNI SLUSHER; GEORGE ROCHA; MYLO BOTTA; JOHN STEWART; JULIE BOJORQUEZ; MICHAEL VASQUEZ; JOSEPH MEDINA, a minor by his mother and next friend, BERTHA MEDINA; and SAMMUAL T. WILBANKS II, a minor by his mother and next friend, JENNIFER WILBANKS, and each of them, ask for judgment against the Defendant MOTOROLA SOLUTIONS, INC., in an amount in excess of the Law Division jurisdictional amount plus costs of this action.

**COUNT II**  
**WILLFUL AND WANTON MISCONDUCT**

NOW COME Plaintiffs, ILENE BULLOCK; BRITTNI SLUSHER; GEORGE ROCHA; MYLO BOTTA; JOHN STEWART; JULIE BOJORQUEZ; MICHAEL VASQUEZ; JOSEPH MEDINA, a minor by his mother and next friend, BERTHA MEDINA; and SAMMUAL T. WILBANKS II, a minor by his mother and next friend, JENNIFER WILBANKS, through their attorneys COONEY & CONWAY, PHILLIPS & PAOLICELLI, LLP, and THORNTON &

NAUMES, LLP, and incorporating herein all foregoing allegations, complains of Defendant, MOTOROLA SOLUTIONS, INC., as follows:

1. At all relevant times, Defendant, MOTOROLA, knew that its wafer processing areas employees, including the EMPLOYEE PARENTS, would work with, in proximity to and/or be exposed to some or all of the aforesaid chemical products and substances.

2. At all relevant times, Defendant, MOTOROLA, knew or reasonably should have known that exposure to some or all the aforesaid chemical products and substances posed a foreseeable risk of injury or adverse health consequences to the EMPLOYEE PARENTS.

3. At all relevant times, Defendant, MOTOROLA, knew or reasonably should have known that exposure to some or all the aforesaid chemical products and substances posed a foreseeable risk of injury or adverse health consequences to the offspring of the EMPLOYEE PARENTS.

4. At all relevant times, Defendant, MOTOROLA, knew or reasonably should have known that its employees, including the EMPLOYEE PARENTS, were not fully aware or knowledgeable about the nature or magnitude of the risk of injury or adverse health consequences posed by exposure to some or all of the aforesaid chemical products and substances.

5. At all relevant times, Defendant, MOTOROLA, had a non-delegable duty to refrain from willful, wanton or reckless conduct which would cause the EMPLOYEE PARENTS and their unborn offspring to be exposed to reproductively toxic, genotoxic, mutagenic, hazardous, and teratogenic chemicals, including the aforesaid chemical products and substances, in the workplace.

ELECTRONICALLY FILED  
3/31/2014 3:50 PM  
2014-L-003647  
PAGE 27 of 44

6. At said time and place, notwithstanding its aforesaid duties, the Defendant, MOTOROLA, was then and there guilty of one or more of the following wrongful acts and/or omissions:

- a) Willfully and with a reckless disregard for the health and safety of its workers, exposed each of the EMPLOYEE PARENTS and his/her unborn child, to some or all of the aforesaid chemical products and substances;
- b) Willfully and with a reckless disregard for safety, concealed from its workers, including, the EMPLOYEE PARENTS, the nature and/or magnitude of the risk of injury or adverse health consequences posed by exposure to some or all of the aforesaid chemical products and substances;
- c) Willfully and with a reckless disregard for safety, misrepresented to its workers, including the EMPLOYEE PARENTS, that working in the wafer processing areas with, or in proximity to, the aforesaid chemical products and substances did not pose a risk of injury or adverse health consequences to the worker;
- d) Willfully and with a reckless disregard for safety, made express or implied warranties to its workers, including the EMPLOYEE PARENTS, that working in the wafer processing areas with, or in proximity to, the aforesaid chemical products and substances did not pose a risk of injury or adverse health consequences to the worker or their offspring;
- e) Willfully and with a reckless disregard for safety, misrepresented to its workers, including the EMPLOYEE PARENTS, that working in the wafer processing areas with, or in proximity to, the aforesaid chemical products and substances did not pose a risk of injury or adverse health consequences to their offspring;
- f) Willfully and with a reckless disregard for safety, concealed and/or misrepresented the level of exposure to the aforesaid chemical products and substances experienced by its wafer processing area workers, including the EMPLOYEE PARENTS;
- g) Willfully and with a reckless disregard for safety, altered the methods for collecting and/or measuring levels of chemicals, including the aforesaid chemical products and substances, in the air of its wafer processing areas in order to obtain data showing lower exposure levels when it knew, or reasonably should have known, that such altered methods resulted in inaccurate data;

- h) Willfully and with a reckless disregard for safety, reduced or discontinued biological monitoring in order to obtain data showing lower chemical exposure levels when it knew, or reasonably should have known, that doing so resulted in inaccurate data;
- i) Willfully and with a reckless disregard for the safety of its workers, failed to take reasonable and proper measures to protect the EMPLOYEE PARENTS and his/her unborn child from exposure to some or all of the aforesaid chemical products and substances;
- j) Willfully and with a reckless disregard for the safety of its workers, failed and/or refused to warn workers, including the EMPLOYEE PARENTS, about the dangerous characteristics of some or all of the aforesaid chemical products and substances;
- k) Willfully and with a reckless disregard for the safety of its workers, failed and/or refused to warn workers, including the EMPLOYEE PARENTS, about potential dangers to their reproductive health posed by exposure to some or all of the aforesaid chemical products and substances;
- l) Willfully and with a reckless disregard for the safety of its workers, failed and/or refused to warn workers, including the EMPLOYEE PARENTS, about the potential for adverse reproductive outcomes among their offspring, including miscarriage, stillbirth and/or birth defects posed by exposure to some or all of the aforesaid chemical products and substances;
- m) Willfully and with a reckless disregard for the safety of its workers, failed and/or refused to warn workers, including the EMPLOYEE PARENTS, about the potential injuries to their offspring posed by exposure to some or all of the aforesaid chemical products and substances;
- n) Willfully and with a reckless disregard for the safety of its workers, failed and/or refused to design, approve and/or implement reasonable and proper industrial hygiene policies and procedures to protect semiconductor workers, including the EMPLOYEE PARENTS, and their offspring from dangers associated with exposure to some or all of the aforesaid chemical products and substances;
- o) Willfully and with a reckless disregard for the safety of its workers, failed and/or refused to design, approve and/or implement reasonable and proper chemical handling and disposal policies and procedures to protect semiconductor workers, including the EMPLOYEE PARENTS, and their offspring from dangers associated with exposure to some or all of the aforesaid chemical products and substances;

ELECTRONICALLY FILED  
3/31/2014 3:50 PM  
2014-L-003647  
PAGE 29 of 44

- p) Willfully and with a reckless disregard for the safety of its workers, failed and/or refused to comply with reasonable standards and regulations designed to protect the health and safety of those persons, including the EMPLOYEE PARENTS and his/her unborn child, who would foreseeably be exposed to some or all of the aforesaid chemical products and substances;
- q) Willfully and with a reckless disregard for the safety of its workers, failed and/or refused to reasonably and properly investigate, test and/or study the aforesaid chemical products and substances in order to fully identify the health hazards associated with their use;
- r) Willfully and with a reckless disregard for safety designed, approved, installed and/or maintained exhaust, ventilation and/or air circulation systems which removed particulates to protect the semiconductor products without adequately removing some or all of the aforesaid chemical products and substances from the ambient or re-circulated air in the wafer processing area;
- s) Willfully and with a reckless disregard for the safety of its workers, failed and/or refused to provide to workers, including the EMPLOYEE PARENTS, personal protective equipment sufficient to protect her from exposure to some or all of the aforesaid chemical products and substances;
- t) Willfully and with a reckless disregard for the safety of its workers, failed and/or refused to provide a safe place to work;
- u) Was otherwise guilty of willful and wanton wrongful conduct.

7. The foregoing willful and wanton conduct by Defendant, MOTOROLA, evinces a conscious and/or reckless disregard for the health and well-being of its employees, including the EMPLOYEE PARENTS, as well as that of their employee's offspring, including Plaintiffs, ILENE BULLOCK; BRITNI SLUSHER; GEORGE ROCHA; MYLO BOTTA; JOHN STEWART; JULIE BOJORQUEZ; MICHAEL VASQUEZ; JOSEPH MEDINA and SAMMUAL T. WILBANKS II, or any other persons who would foreseeably be exposed to some or all of the aforesaid chemical products and substances on MOTOROLA premises.

8. The foregoing willful and wanton conduct by Defendant, MOTOROLA, was motivated by a desire for unwarranted economic gain and profit.

9. As a direct and proximate result of one or more of the aforesaid wrongful acts and/or omissions of the Defendant, MOTOROLA, the Plaintiffs, ILENE BULLOCK; BRITTNI SLUSHER; GEORGE ROCHA; MYLO BOTTA; JOHN STEWART; JULIE BOJORQUEZ; MICHAEL VASQUEZ; JOSEPH MEDINA and SAMMUAL T. WILBANKS II were profoundly and permanently injured, and suffered severe physical, psychological, and emotional injury and distress, physical pain and suffering, permanent disability, loss of a normal life, lost income and/or economic opportunity, incurred charges for medical care, caretaking costs and will continue to suffer such damages in the future.

WHEREFORE, the Plaintiffs, ILENE BULLOCK; BRITTNI SLUSHER; GEORGE ROCHA; MYLO BOTTA; JOHN STEWART; JULIE BOJORQUEZ; MICHAEL VASQUEZ; JOSEPH MEDINA, a minor by his mother and next friend, BERTHA MEDINA; and SAMMUAL T. WILBANKS II, a minor by his mother and next friend, JENNIFER WILBANKS, and each of them, ask for judgment against the Defendant, MOTOROLA SOLUTIONS, INC., in an amount in excess of the Law Division jurisdictional amount plus costs of this action.

**COUNT III**  
**STRICT LIABILITY**

NOW COME Plaintiffs, ILENE BULLOCK; BRITTNI SLUSHER; GEORGE ROCHA; MYLO BOTTA; JOHN STEWART; JULIE BOJORQUEZ; MICHAEL VASQUEZ; JOSEPH MEDINA, a minor by his mother and next friend, BERTHA MEDINA; and SAMMUAL T. WILBANKS II, a minor by his mother and next friend, JENNIFER WILBANKS, through attorneys COONEY & CONWAY, PHILLIPS & PAOLICELLI, LLP, and THORNTON & NAUMES, LLP, and incorporating herein all foregoing allegations, complains of Defendant, MOTOROLA SOLUTIONS, INC., as follows:

1. Upon information and belief, some or all of the aforesaid chemical products and substances were mixed, formulated and/or reformulated by Defendant, MOTOROLA, for use by its workers in the manufacture of semiconductor products or components in its wafer processing areas, including those at the 52<sup>nd</sup> Street Plant, the Mesa Plant, the Hayden Plant and the Chandler Plant.

2. As mixed, formulated and/or reformulated by defendant, MOTOROLA, the aforesaid chemical products and substances were unreasonably dangerous and unsafe for their intended use.

3. Under circumstances then existing at the 52<sup>nd</sup> Street Plant, the Mesa Plant, the Hayden Plant and the Chandler Plant, Defendant, MOTOROLA's use and provision to workers of chemicals, including the aforesaid chemical products and substances, in the manufacture of semiconductor products and components without adequate safeguards for worker health and safety constituted an abnormally dangerous activity.

4. Under circumstances then existing at the 52<sup>nd</sup> Street Plant, the Mesa Plant, the Hayden Plant and the Chandler Plant, Defendant, MOTOROLA's manufacture of semiconductor products and components in wafer processing areas without proper and adequate safeguards to protect workers, including the EMPLOYEE PARENTS, from exposure to chemicals, including the aforesaid chemical products and substances, constituted an abnormally dangerous activity.

5. Under circumstances then existing at the 52<sup>nd</sup> Street Plant, the Mesa Plant, the Hayden Plant and the Chandler Plant, unsafe levels of chemicals, including some or all of the aforesaid chemical products and substances, in the ambient and re-circulated air of the wafer processing areas constituted an ultrahazardous condition.

ELECTRONICALLY FILED  
3/31/2014 3:50 PM  
2014-L-003647  
PAGE 32 of 44



6. Defendant, MOTOROLA, failed to warn workers, including the EMPLOYEE PARENTS, about the nature and extent of the dangers posed by the aforesaid unreasonably dangerous chemical products and substances, abnormally dangerous activity and ultrahazardous condition.

7. Defendant, MOTOROLA, failed to warn workers, including the EMPLOYEE PARENTS, about potential dangers to their reproductive health posed by the aforesaid unreasonably dangerous chemicals, abnormally dangerous activity and ultrahazardous condition.

8. Defendant, MOTOROLA, failed to warn workers, including the EMPLOYEE PARENTS, about the potential for adverse reproductive outcomes among their offspring, including miscarriage, stillbirth and/or birth defects, posed by the aforesaid unreasonably dangerous chemicals, abnormally dangerous activity and ultrahazardous condition.

9. Defendant, MOTOROLA, failed to warn workers, including the EMPLOYEE PARENTS, about the potential injuries to their offspring posed by the aforesaid unreasonably dangerous chemicals, abnormally dangerous activity and ultrahazardous condition.

10. Each of the EMPLOYEE PARENTS was unaware of the nature and extent of the dangers to his/her health and the health and well being of his/her unborn offspring posed by the aforesaid unreasonably dangerous chemicals, abnormally dangerous activity and ultrahazardous condition.

11. Under the circumstances then existing, neither an EMPLOYEE PARENT nor his/her unborn child could have eliminated the aforesaid dangers through exercise of reasonable care.

12. As a direct and proximate result of the aforesaid unreasonably dangerous chemicals, abnormally dangerous activity and ultrahazardous condition, each EMPLOYEE PARENT was exposed to some or all of the aforesaid chemical products and substances.

13. As a direct and proximate result of the aforesaid unreasonably dangerous chemicals, abnormally dangerous activity and ultrahazardous condition, each of the Plaintiffs, ILENE BULLOCK; BRITTONI SLUSHER; GEORGE ROCHA; MYLO BOTTA; JOHN STEWART; JULIE BOJORQUEZ; MICHAEL VASQUEZ; JOSEPH MEDINA and SAMMUAL T. WILBANKS II, was exposed, *in utero*, to some or all of the aforesaid chemical products and substances.

14. As a direct and proximate result of the aforesaid unreasonably dangerous chemicals, abnormally dangerous activity and ultrahazardous condition, each of the Plaintiffs, ILENE BULLOCK; BRITTONI SLUSHER; GEORGE ROCHA; MYLO BOTTA; JOHN STEWART; JULIE BOJORQUEZ; MICHAEL VASQUEZ; JOSEPH MEDINA and SAMMUAL T. WILBANKS II, was profoundly and permanently injured, and suffered severe physical, psychological, and emotional injury and distress, physical pain and suffering, permanent disability, loss of a normal life, lost income and/or economic opportunity, incurred charges for medical care, caretaking costs and will continue to suffer such damages in the future.

WHEREFORE, the Plaintiffs, ILENE BULLOCK; BRITTONI SLUSHER; GEORGE ROCHA; MYLO BOTTA; JOHN STEWART; JULIE BOJORQUEZ; MICHAEL VASQUEZ; JOSEPH MEDINA, a minor by his mother and next friend, BERTHA MEDINA; and SAMMUAL T. WILBANKS II, a minor by his mother and next friend, JENNIFER WILBANKS, and each of them, ask for judgment against the Defendant MOTOROLA

SOLUTIONS, INC., in an amount in excess of the Law Division jurisdictional amount plus costs of this action.

**COUNT IV**  
**LOSS OF CONSORTIUM**

NOW COME Plaintiffs, ERIN DENNEY, KENNETH DENNEY, TERI WHIPPLE-CHAMPOUX, ROB SLUSHER, ANGELINA ROCHA, RUBEN ROCHA, DELISA CASTRO, CHARLES MARCO, DELORES STEWART, JOHN M. STEWART, JENNIE BOJORQUEZ, FRANK BOJORQUEZ, MARGARET MOUNTAIN, SAMUEL VASQUEZ, BERTHA MEDINA, MIKE MEDINA, JENNIFER WILBANKS and SAMMUAL T. WILBANKS, through attorneys COONEY & CONWAY, PHILLIPS & PAOLICELLI, LLP and THORNTON & NAUMES, LLP, and incorporating herein all foregoing allegations, complains of Defendant, MOTOROLA SOLUTIONS, INC., as follows:

1. The claim of Plaintiffs, ERIN DENNEY and KENNETH DENNEY, is dependent upon and derivative of the direct claim of their daughter, Plaintiff, ILENE BULLOCK.
2. The injuries and conditions suffered by Plaintiff, ILENE BULLOCK, as a result of the Defendant, MOTOROLA's, wrongful conduct as set forth above have caused a significant interference in the parent-child relationship between ERIN DENNEY and KENNETH DENNEY and their daughter, ILENE BULLOCK.
3. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and ERIN DENNEY's exposure to the aforesaid chemical products and substances, Plaintiffs, ERIN DENNEY and KENNETH DENNEY, sustained injuries and/or damages, including: loss of capacity to exchange love, affection, society, companionship, comfort, care and moral support with their daughter, ILENE BULLOCK, as well

as mental and emotional anguish arising from the injuries to their daughter, ILENE BULLOCK;  
medical expenses; other injuries and damages.

4. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and ERIN DENNEY's exposure to the aforesaid chemical products and substances, Plaintiffs, ERIN DENNEY and KENNETH DENNEY may continue to suffer such injuries and/or damages in the future.

5. The claim of Plaintiffs, TERI WHIPPLE-CHAMPOUX and ROB SLUSHER, is dependent upon and derivative of the direct claim of their daughter, Plaintiff, BRITTNI SLUSHER.

6. The injuries and conditions suffered by Plaintiff, BRITTNI SLUSHER, as a result of the Defendant, MOTOROLA's, wrongful conduct as set forth above have caused a significant interference in the parent-child relationship between TERI WHIPPLE-CHAMPOUX and ROB SLUSHER and their daughter, BRITTNI SLUSHER.

7. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and TERI WHIPPLE-CHAMPOUX's exposure to the aforesaid chemical products and substances, Plaintiffs, TERI WHIPPLE-CHAMPOUX and ROB SLUSHER, sustained injuries and/or damages, including: loss of capacity to exchange love, affection, society, companionship, comfort, care and moral support with their daughter, BRITTNI SLUSHER, as well as mental and emotional anguish arising from the injuries to their daughter, BRITTNI SLUSHER; medical expenses; other injuries and damages.

8. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and TERI WHIPPLE-CHAMPOUX's exposure to the

aforesaid chemical products and substances, Plaintiffs, TERI WHIPPLE-CHAMPOUX and ROB SLUSHER may continue to suffer such injuries and/or damages in the future.

9. The claim of Plaintiffs, ANGELINA ROCHA and RUBEN ROCHA, is dependent upon and derivative of the direct claim of their son, Plaintiff, GEORGE ROCHA.

10. The injuries and conditions suffered by Plaintiff, GEORGE ROCHA, as a result of the Defendant, MOTOROLA's, wrongful conduct as set forth above have caused a significant interference in the parent-child relationship between ANGELINA ROCHA and RUBEN ROCHA and their son, GEORGE ROCHA.

11. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and ANGELINA ROCHA's exposure to the aforesaid chemical products and substances, Plaintiffs, ANGELINA ROCHA and RUBEN ROCHA, sustained injuries and/or damages, including: loss of capacity to exchange love, affection, society, companionship, comfort, care and moral support with their son, GEORGE ROCHA, as well as mental and emotional anguish arising from the injuries to their son, GEORGE ROCHA; medical expenses; other injuries and damages.

12. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and ANGELINA ROCHA's exposure to the aforesaid chemical products and substances, Plaintiffs, ANGELINA ROCHA and RUBEN ROCHA, may continue to suffer such injuries and/or damages in the future.

13. The claim of Plaintiffs, DELISA CASTRO and CHARLES MARCO, is dependent upon and derivative of the direct claim of their son, Plaintiff, MYLO BOTTA.

14. The injuries and conditions suffered by Plaintiff, MYLO BOTTA, as a result of the Defendant, MOTOROLA's, wrongful conduct as set forth above have caused a significant

interference in the parent-child relationship between DELISA CASTRO and CHARLES MARCO, and their son, MYLO BOTTA.

15. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and DELISA CASTRO's exposure to the aforesaid chemical products and substances, Plaintiffs, DELISA CASTRO and CHARLES MARCO, sustained injuries and/or damages, including: loss of capacity to exchange love, affection, society, companionship, comfort, care and moral support with their son, MYLO BOTTA, as well as mental and emotional anguish arising from the injuries to their son, MYLO BOTTA; medical expenses; other injuries and damages.

16. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and DELISA CASTRO's exposure to the aforesaid chemical products and substances, Plaintiffs, DELISA CASTRO and CHARLES MARCO, may continue to suffer such injuries and/or damages in the future.

17. The claim of Plaintiffs, DELORES STEWART and JOHN M. STEWART, is dependent upon and derivative of the direct claim of their son, Plaintiff, JOHN STEWART.

18. The injuries and conditions suffered by Plaintiff, JOHN STEWART, as a result of the Defendant, MOTOROLA's, wrongful conduct as set forth above have caused a significant interference in the parent-child relationship between DELORES STEWART and JOHN M. STEWART and their son, JOHN STEWART.

19. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and DELORES STEWART's and/or JOHN M. STEWART's exposure to the aforesaid chemical products and substances, Plaintiffs, DELORES STEWART and JOHN M. STEWART, sustained injuries and/or damages, including: loss of capacity to

exchange love, affection, society, companionship, comfort, care and moral support with their son, JOHN STEWART, as well as mental and emotional anguish arising from the injuries to their son, JOHN STEWART; medical expenses; other injuries and damages.

20. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and DELORES STEWART's and/or JOHN M. STEWART's exposure to the aforesaid chemical products and substances, Plaintiffs, DELORES STEWART and JOHN M. STEWART, may continue to suffer such injuries and/or damages in the future.

21. The claim of Plaintiffs, JENNIE BOJORQUEZ and FRANK BOJORQUEZ, is dependent upon and derivative of the direct claim of their daughter, JULIE BOJORQUEZ.

22. The injuries and conditions suffered by Plaintiff, JULIE BOJORQUEZ, as a result of the Defendant, MOTOROLA's, wrongful conduct as set forth above have caused a significant interference in the parent-child relationship between JENNIE BOJORQUEZ and FRANK BOJORQUEZ and their daughter, JULIE BOJORQUEZ.

23. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and JENNIE BOJORQUEZ's exposure to the aforesaid chemical products and substances, Plaintiffs, JENNIE BOJORQUEZ and FRANK BOJORQUEZ, sustained injuries and/or damages, including: loss of capacity to exchange love, affection, society, companionship, comfort, care and moral support with their daughter, JULIE BOJORQUEZ, as well as mental and emotional anguish arising from the injuries to their daughter, JULIE BOJORQUEZ; medical expenses; other injuries and damages.

24. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and JENNIE BOJORQUEZ's exposure to the aforesaid

chemical products and substances, Plaintiffs, JENNIE BOJORQUEZ and FRANK BOJORQUEZ, may continue to suffer such injuries and/or damages in the future.

25. The claim of Plaintiffs, MARGARET MOUNTAIN and SAMUEL VASQUEZ, is dependent upon and derivative of the direct claim of their son, Plaintiff, MICHAEL VASQUEZ.

26. The injuries and conditions suffered by Plaintiff, MICHAEL VASQUEZ, as a result of the Defendant, MOTOROLA's, wrongful conduct as set forth above have caused a significant interference in the parent-child relationship between MARGARET MOUNTAIN and SAMUEL VASQUEZ, and their son, MICHAEL VASQUEZ.

27. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and MARGARET MOUNTAIN's exposure to the aforesaid chemical products and substances, Plaintiffs, MARGARET MOUNTAIN and SAMUEL VASQUEZ, sustained injuries and/or damages, including: loss of capacity to exchange love, affection, society, companionship, comfort, care and moral support with their son, MICHAEL VASQUEZ, as well as mental and emotional anguish arising from the injuries to their son, MICHAEL VASQUEZ; medical expenses; other injuries and damages.

28. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and MARGARET MOUNTAIN's exposure to the aforesaid chemical products and substances, Plaintiffs, MARGARET MOUNTAIN and SAMUEL VASQUEZ, may continue to suffer such injuries and/or damages in the future.

29. The claim of Plaintiffs, BERTHA MEDINA and MIKE MEDINA, is dependent upon and derivative of the direct claim of their son, Plaintiff, JOSEPH MEDINA.

30. The injuries and conditions suffered by Plaintiff, JOSEPH MEDINA, as a result of the Defendant, MOTOROLA's, wrongful conduct as set forth above have caused a significant



interference in the parent-child relationship between BERTHA MEDINA and MIKE MEDINA, and their son, JOSEPH MEDINA.

31. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and BERTHA MEDINA's and/or MIKE MEDINA's exposure to the aforesaid chemical products and substances, Plaintiffs, BERTHA MEDINA and MIKE MEDINA, sustained injuries and/or damages, including: loss of capacity to exchange love, affection, society, companionship, comfort, care and moral support with their son, JOSEPH MEDINA, as well as mental and emotional anguish arising from the injuries to their son, JOSEPH MEDINA; medical expenses; other injuries and damages.

32. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and BERTHA MEDINA's and/or MIKE MEDINA's exposure to the aforesaid chemical products and substances, Plaintiffs, BERTHA MEDINA and MIKE MEDINA, may continue to suffer such injuries and/or damages in the future.

33. The claim of Plaintiffs, JENNIFER WILBANKS and SAMMUAL T. WILBANKS, is dependent upon and derivative of the direct claim of their son, SAMMUAL T. WILBANKS II.

34. The injuries and conditions suffered by Plaintiff, JULIE BOJORQUEZ, as a result of the Defendant, MOTOROLA's, wrongful conduct as set forth above have caused a significant interference in the parent-child relationship between JENNIFER WILBANKS and SAMMUAL T. WILBANKS and their son, SAMMUAL T. WILBANKS II.

35. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and JENNIFER WILBANKS's exposure to the aforesaid chemical products and substances, Plaintiffs, JENNIFER WILBANKS and SAMMUAL T.

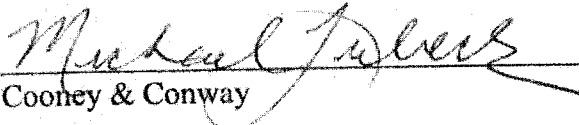
WILBANKS, sustained injuries and/or damages, including: loss of capacity to exchange love, affection, society, companionship, comfort, care and moral support with their son, SAMMUAL T. WILBANKS II, as well as mental and emotional anguish arising from the injuries to their son, SAMMUAL T. WILBANKS II; medical expenses; other injuries and damages.

36. As a direct and proximate result and consequence of the Defendant, MOTOROLA's wrongful conduct and JENNIFER WILBANKS's exposure to the aforesaid chemical products and substances, Plaintiffs, JENNIFER WILBANKS and SAMMUAL T. WILBANKS, may continue to suffer such injuries and/or damages in the future.

WHEREFORE, the Plaintiffs, ERIN DENNEY, KENNETH DENNEY, TERI WHIPPLE-CHAMPOUX, ROB SLUSHER, ANGELINA ROCHA, RUBEN ROCHA, DELISA CASTRO, CHARLES MARCO, DELORES STEWART, JOHN M. STEWART, JENNIE BOJORQUEZ, FRANK BOJORQUEZ, MARGARET MOUNTAIN, SAMUEL VASQUEZ, BERTHA MEDINA, MIKE MEDINA, JENNIFER WILBANKS and SAMMUAL T. WILBANKS, , and each of them, ask for judgment against the Defendant, MOTOROLA SOLUTIONS, INC., in a sum in excess of the Law Division jurisdictional amount plus costs of this action.

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2014-L-003647  
PAGE 42 of 44

Dated: 3/31/14

  
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PAGE 43 of 44