

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

MARCUS LEDEAUX, a minor, by his mother and )  
next friend LISA LEDEAUX; ELIZABETH BRYAN, )  
a minor, by her father and next friend GEORGE )  
BRYAN; HUNTER CONSTANT, a minor, by his )  
father and next friend BRANDON CONSTANT; )  
TANYA CORTEZ; SARINA FINZER, a minor, by her )  
father and next friend, HARLAN FINZER; JOHN GALL; )  
RAY SOLAREZ; GABRIEL ERNESTO TREVINO; )  
DIANA HILL; FRANK MARTINEZ VALDEZ III; )  
JENNIFER BERNARD; ROSE LYKO; TYLER LYKO; )  
ENRIQUE DANIEL MARIN ARBALLO; PATRICK )  
O'CONNOR JR, a minor, by his mother SUSAN )  
O'CONNOR; JASON COAR; MITCHELL SMITH; )  
MONICA ELIAS; EDUARDO ROMERO, a minor, by )  
his father and next friend HECTOR ROMERO; MEG )  
FERNANDEZ, a minor, by her father and next friend )  
ARMANDO FERNANDEZ; ROBERT GRAMBORT, a )  
minor, by his FATHER and next friend SCOTT )  
GRAMBORT; SUMMER JOHNSON, a minor, by her )  
Father and next friend JERRY JOHNSON; MARIAH )  
GONZALEZ, a minor, by her mother and next friend )  
FAUSTINA GONZALEZ; JEREMY HARDISON, a )  
minor, by his father and next friend ERIC HARDISON; )  
CHEYENNE AND SEBASTIAN WRIGHT, minors, by )  
their father and next friend GLEN WRIGHT; SERENITY )  
MILLER, a minor, by her mother and next friend MISTY )  
EVERTS; ROBERT EVAN TORREZ, a minor, by his )  
father and next friend ROBERT TORREZ; JOSHUA )  
ADAMS, a minor, by his mother and next friend JANAN )  
ADAMS; KRISTOPHER McDONALD, a minor, by his )  
father and next friend ALLEN McDONALD; )  
ELIZABETH MENSING, a minor, by her mother and next )  
friend ANGELA MENSING; NICHOLAS SALAZAR, a )  
minor, by his father and next friend GABRIEL SALAZAR; )  
LISA LEDEAUX; MARK LEDEAUX; GEORGE )  
BRYAN; CYNTHIA BRYAN; BRANDON CONSTANT; )  
WENDY CONSTANT; LEILANI CORTEZ; JOE )  
CORTEZ; HARLAN FINZER; SARAH FINZER; )  
MARY MARK; ROSA MARIN-ARBALLO; HENRY )  
ARBALLO; SUSAN O'CONNOR; PATRICK )  
O'CONNOR; HECTOR ROMERO; ALICIA ROMERO; )  
JOSIE SOLAREZ; ARMANDO FERNANDEZ; )  
SHACHICO FERNANDEZ; SCOTT GRAMBORT; )

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No.:

DENISE MICHELLE GRAMBORT; JERRY JOHNSON; )  
 SARAH SULSER; FAUSTINA GONZALEZ; ERIC )  
 HARDISON; CHERYL HARDISON; GLEN WRIGHT; )  
 LUCY WRIGHT; VINCENT MILLER; MISTY EVERTS; )  
 ROBERT TORREZ; STEVEN ADAMS; JANAN )  
 ADAMS; ALLEN McDONALD; MERCEDES )  
 McDONALD; ANGELA MENSING; GABRIEL )  
 SALAZAR; DEBBIE PALACIOS )  
 )  
 Plaintiffs, )  
 )  
 -vs.- )  
 )  
 MOTOROLA, INCORPORATED, )  
 )  
 Defendant. )

**COMPLAINT**

Now come Plaintiffs, MARCUS LEDEAUX, a minor, by his mother and next friend LISA LEDEAUX; ELIZABETH BRYAN, a minor, by her father and next friend GEORGE BRYAN; HUNTER CONSTANT, a minor, by his father and next friend BRANDON CONSTANT; TANYA CORTEZ; SARINA FINZER, a minor, by her father and next friend, HARLAN FINZER; JOHN GALL; RAY SOLAREZ; GABRIEL ERNESTO TREVINO; DIANA HILL; FRANK MARTINEZ VALDEZ III; JENNIFER BERNARD; ROSE LYKO; TYLER LYKO; ENRIQUE DANIEL MARIN ARBALLO; PATRICK O'CONNOR JR, a minor, by his mother SUSAN O'CONNOR; JASON COAR; MITCHELL SMITH; MONICA ELIAS; EDUARDO ROMERO, a minor, by his father and next friend HECTOR ROMERO; LISA LEDEAUX; MARK LEDEAUX; GEORGE BRYAN; CYNTHIA BRYAN; BRANDON CONSTANT; WENDY CONSTANT; LEILANI CORTEZ; JOE CORTEZ; HARLAN FINZER; SARAH FINZER; MARY MARK; ROSA MARIN-ARBALLO; HENRY ARBALLO; SUSAN O'CONNOR; PATRICK O'CONNOR; HECTOR ROMERO; ALICIA ROMERO;

JOSIE SOLAREZ; MEG FERNANDEZ, a minor, by her father and next friend ARMANDO FERNANDEZ; ROBERT GRAMBORT, a minor, by his father and next friend SCOTT GRAMBORT; SUMMER JOHNSON, a minor, by her father and next friend JERRY JOHNSON; MARIAH GONZALEZ, a minor, by her mother and next friend FAUSTINA GONZALEZ; JEREMY HARDISON, a minor, by his father and next friend ERIC HARDISON; CHEYENNE AND SEBASTIAN WRIGHT, minors, by their father and next friend GLEN WRIGHT; SERENITY MILLER, a minor, by her mother and next friend MISTY EVERTS; ROBERT EVAN TORREZ, a minor, by his father and next friend ROBERT TORREZ; JOSHUA ADAMS, a minor, by his mother and next friend JANAN ADAMS; KRISTOPHER McDONALD, a minor, by his father and next friend ALLEN McDONALD; ELIZABETH MENSING, a minor, by her mother and next friend ANGELA MENSING; NICHOLAS SALAZAR, a minor, by his father and next friend GABRIEL SALAZAR; ARMANDO FERNANDEZ; SHACHICO FERNANDEZ; SCOTT GRAMBORT; DENISE MICHELLE GRAMBORT; JERRY JOHNSON; SARAH SULSER; FAUSTINA GONZALEZ; ERIC HARDISON; CHERYL HARDISON; GLEN WRIGHT; LUCY WRIGHT; VINCENT MILLER; MISTY EVERTS; ROBERT TORREZ; STEVEN ADAMS; JANAN ADAMS; ALLEN McDONALD; MERCEDES McDONALD; ANGELA MENSING; GABRIEL SALAZAR; and DEBBIE PALACIOS by and through their attorneys COONEY & CONWAY, LEVY PHILLIPS & KONIGSBERG, LLP, and THORNTON & NAUMES, LLP, and in support of their claims against the Defendant, state as follows:

**FACTS**

1. Plaintiff Lisa LeDeaux is the parent and natural guardian of Marcus LeDeaux, a minor.

2. Plaintiff Marcus LeDeaux was born on August 24, 1997, and is the natural son of plaintiffs Lisa and Mark LeDeaux.

3. Plaintiff George Bryan is the parent and natural guardian of Elizabeth Bryan, a minor.

4. Plaintiff Elizabeth Bryan was born on October 23, 2003, and is the natural daughter of plaintiffs George and Cynthia Bryan.

5. Plaintiff Brandon Constant is the parent and natural guardian of Hunter Constant, a minor.

6. Plaintiff Hunter Constant was born on April 14, 1995, and is the natural son of plaintiffs Brandon and Wendy Constant.

7. Plaintiff Tanya Cortez was born on September 20, 1971, and is the natural daughter of plaintiffs Leilani and Joe Cortez.

8. Plaintiff Harlan Finzer is the parent and natural guardian of Sarina Finzer, a minor.

9. Plaintiff Sarina Finzer was born on April 5, 1999, and is the natural daughter of plaintiffs Harlan and Sarah Finzer.

10. Plaintiff John Gall was born on December 11, 1973, and is the natural son of Raymond and Vicki Gall.

11. Plaintiff Ray Solarez was born on October 26, 1983, and is the natural son of Ray Solarez and Plaintiff Josie Solarez.

12. Plaintiff Gabriel Ernesto Trevino was born on December 23, 1982, and is the natural son of Celia and Alfredo Trevino.

13. Plaintiff Diana Hill was born on July 9, 1984, and is the natural daughter of Irene and Timothy Hill.

14. Plaintiff Frank Martinez Valdez III was born on August 18, 1973, and is the natural son of plaintiff Mary Mark.

15. Plaintiff Jennifer Bernard was born on June 13, 1985, and is the natural daughter of Gerald and Susan Higbee.

16. Plaintiff Rose Lyko was born on July 19, 1988, and is the natural daughter of Virginia Dietzman and Thomas Lyko.

17. Plaintiff Tyler Lyko was born on April 28, 1992, and is the natural son of Virginia Dietzman and Thomas Lyko.

18. Plaintiff Enrique Daniel Marin Arballo was born on December 30, 1985, and is the natural son of plaintiffs Rosa Marin-Arballo and Henry Arballo.

19. Plaintiff Susan O'Connor is the parent and natural guardian of Patrick O'Connor Jr., a minor.

20. Plaintiff Patrick O'Connor Jr. was born on December 9, 1993, and is the natural son of plaintiffs Susan O'Connor and Patrick O'Connor.

21. Plaintiff Jason Coar was born on June 17, 1982, and is the natural son of Jacqueline Coar and Michael Dubue.

22. Plaintiff Mitchell Smith was born on December 9, 1973, and is the natural son of Layne Smith and David Smith.

23. Plaintiff Monica Elias was born on October 27, 1968, and is the natural daughter of Ann Cava.

24. Plaintiff Hector Romero is the parent and natural guardian of Eduardo Romero, a minor.

25. Plaintiff Eduardo Romero was born on April 3, 2001, and is the natural son of plaintiffs of Hector and Alicia Romero.

26. Plaintiff Armando Fernandez is the parent and natural guardian of Meg Fernandez, a minor.

27. Plaintiff Meg Fernandez was born on November 23, 1995, and is the natural daughter of plaintiffs Armando and Shachico Fernandez.

28. Plaintiff Scott Grambort is the parent and natural guardian of Robert Grambort, a minor.

29. Plaintiff Robert Grambort was born on October 29, 1997, and is the natural son of plaintiffs Scott and Denise Michelle Grambort.

30. Plaintiff Jerry Johnson is the parent and natural guardian of Summer Johnson, a minor.

31. Plaintiff Summer Johnson was born on April 25, 2007, and is the natural daughter of plaintiffs Jerry Johnson and Sarah Sulser.

32. Plaintiff Faustina Gonzalez is the parent and natural guardian of Mariah Gonzalez, a minor.

33. Plaintiff Mariah Gonzalez was born on December 17, 1997, and is the natural daughter of plaintiff Faustina Gonzalez.

34. Plaintiff Eric Hardison is the parent and natural guardian of Jeremy Hardison, a minor.

35. Plaintiff Jeremy Hardison was born on April 4, 2000, and is the natural daughter of plaintiffs Eric and Cheryl Hardison.

36. Plaintiff Glen Wright is the parent and natural guardian of Cheyenne and Sebastian Wright, minors.

37. Plaintiff Cheyenne Wright was born on November 27, 2006, and is the natural daughter of plaintiffs Glen and Lucy Wright. Plaintiff Sebastian Wright was born on December 19, 1999, and is the natural son of plaintiffs Glen and Lucy Wright.

38. Plaintiff Misty Everts is the parent and natural guardian of Serenity Miller, a minor.

39. Plaintiff Serenity Miller was born on December, 23 2006, and is the natural daughter of plaintiffs Vincent Miller and Misty Everts.

40. Plaintiff Robert Torrez is the parent and natural guardian of Robert Evan Torrez, a minor.

41. Plaintiff Robert Evan Torrez was born on August 2, 2005, and is the natural son of plaintiff Robert Torrez.

42. Plaintiff Janan Adams is the parent and natural guardian of Joshua Adams, a minor.

43. Plaintiff Joshua Adams was born on March 28, 2003, and is the natural son of plaintiffs Steven and Janan Adams.

44. Plaintiff Allen McDonald is the parent and natural guardian of Kristopher McDonald, a minor.

45. Plaintiff Kristopher McDonald was born on April 8, 1993, and is the natural son of plaintiffs Allen and Mercedes McDonald.

46. Plaintiff Angela Mensing is the parent and natural guardian of Elizabeth Mensing, a minor.

47. Plaintiff Elizabeth Mensing was born on June 8, 1995, and is the natural daughter of plaintiff Angela Mensing and Jeffrey Mensing.

48. Plaintiff Gabriel Salazar is the parent and natural guardian of Nicholas Salazar, a minor.

49. Plaintiff Nicholas Salazar was born on July 27, 2000, and is the natural son of plaintiffs Gabriel Salazar and Debbie Palacios.

50. At all relevant times, defendant Motorola was and is an Illinois Corporation with its headquarters in Schaumburg, Illinois.

51. At all relevant times, defendant Motorola determined policy and procedure at its Schaumburg headquarters, including a decision to utilize teratogenic and reproductively toxic compounds in "clean" rooms used to assemble and manufacture its products at its various facilities.

52. At all relevant times defendant Motorola formed policy and procedure in its Schaumburg headquarters with notice of the following:

- a) Beginning in the late 1970's, the Semiconductor Industry Association, a trade organization for the semiconductor industry, repeatedly advised its members, including upon information and belief, defendant Motorola, of the reproductive hazards associated with occupational exposures to chemicals, metals and other toxic substances used in the manufacture of semiconductor chips in the cleanroom;
- b) On or about 1981, California Occupational Safety and Health Administration issued warnings respecting the reproductive harms



associated with exposures to ethylene glycol ethers that were used pervasively in the semiconductor manufacturing process;

- c) At all relevant times, chemical manufacturers and suppliers, including but not limited to Union Carbide Corporation, repeatedly issued warnings to their customers in the semiconductor industry and elsewhere, including upon information and belief to defendant Motorola, in Schaumburg, Illinois, of the risk of birth defects and serious reproductive harms associated with exposures to ethylene glycol ethers used in semiconductor chip manufacturing;
- d) On or about 1981, Bryan Hardin, an official of the National Institute for Occupational Safety and Health, personally warned corporate health and safety representatives of chemical manufacturers and semiconductor manufacturers, including upon information and belief, defendant Motorola, with respect to reproductive hazards of ethylene glycol ethers;
- e) On or about 1988, a well publicized epidemiology study of semiconductor manufacturing workers was published 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 semiconductor chips;
- f) In the mid 1980's, the Semiconductor Industry Association, with the knowledge, support and funding of the semiconductor industry, including upon information and belief, part of the funding came from Motorola in Schaumburg, Illinois, 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 on or about 1991, the study documented and confirmed an increased risk of adverse reproductive outcomes to semiconductor workers;
- g) On or about 1984, chemical manufacturer Hoechst Celanese undertook to develop less reproductively toxic process chemicals to be substituted in the manufacturing process of semiconductor chips, and beginning in about 1985, actively promoted and marketed these products as safer alternatives to the semiconductor industry, including upon information and belief, defendant Motorola; and
- h) On or about 1986, the semiconductor manufacturer International Business Machines (IBM), through The Johns Hopkins University, initiated an extensive retrospective and prospective epidemiological study involving hundreds of its semiconductor manufacturing workers.

This well publicized and widely published study further documented the serious reproductive harms and adverse outcomes from occupational exposures in the semiconductor manufacturing work environment.

- i) The reproduction dangers of chemical exposure to Motorola's semiconductor workers was known to Motorola's top executives in the early 1980s.
- j) Management at Motorola's headquarters in Schaumburg, Illinois monitored air quality in the various semiconductor plants of Motorola including those herein.
- k) The medical records of exposed employees, their disease burden showing the resulting trends and the effect of chemical exposures to employees and their offspring on information and belief was tracked and known to Motorola Safety and Health workers and executives in Schaumburg, Illinois

53. Between approximately 1979 until 1983, plaintiff Lisa LeDeaux, the mother of minor plaintiff Marcus LeDeaux, was an employee of Motorola at its Mesa, Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

54. From approximately 1980 until 1997, plaintiff Mark LeDeaux, the father of minor plaintiff Marcus LeDeaux, was an employee of Motorola at its Mesa, Arizona facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

55. From approximately 1994 until 2007, plaintiff George Bryan, the father of minor plaintiff Elizabeth Bryan, was an employee of Motorola at its Mesa and Tempe, Arizona facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

56. From approximately 1992 until 1997, plaintiff Brandon Constant, the father of minor plaintiff Hunter Constant, was an employee of Motorola at its Phoenix, Arizona

facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

57. From approximately 1968 until 1971, plaintiff Leilani Cortez, the mother of plaintiff Tanya Cortez, was an employee of Motorola at its Phoenix, Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

58. From approximately 1997 until 1998, plaintiff Harlan Finzer, the father of minor plaintiff Sarina Finzer, was an employee of Motorola at its Mesa, Arizona facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

59. From approximately 1966 until 1973, Vicki Gall, the mother of plaintiff John Gall, was an employee of Motorola at its Phoenix, Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

60. From approximately 1965 until 1972, Raymond Gall, the father of plaintiff John Gall, was an employee of Motorola at its Phoenix and Mesa, Arizona facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

61. From approximately 1969 until 1984, Plaintiff Josie Solarez, the mother of plaintiff Ray Solarez, was an employee of Motorola at its Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

62. From approximately 1981 until 1999, Celia Trevino, the mother of plaintiff Gabriel Ernesto Trevino, was an employee of Motorola at its Phoenix, Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

63. From approximately 1979 until 1998, Timothy Hill, the father of plaintiff Diana Hill, was an employee of Motorola at its Phoenix, Arizona facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

64. From approximately 1968 until 1974, Mary Mark, the mother of plaintiff Frank Martinez Valdez III, was an employee of Motorola at its Phoenix, Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

65. From approximately 1965 until 2005, Gerald Higbee, the father of plaintiff Jennifer Bernard, was an employee of Motorola at its Phoenix, Arizona facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

66. From approximately 1973 until 2002, Thomas Lyko, the father of plaintiffs Rose and Tyler Lyko, was an employee of Motorola at its Arizona and Schaumburg Illinois facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

67. From approximately 1987 until 1988, Virginia Dietzman, the mother of plaintiffs Rose and Tyler Lyko, was an employee of GNS Electric Company working at Motorola's Phoenix, Arizona facilities, where she worked with and was exposed to

chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

68. From approximately 1973 until 1985, Plaintiff Rosa Marin-Arballo, the mother of minor plaintiff Enrique Daniel Marin Arballo, was an employee of Motorola at its Phoenix and Mesa, Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

69. From approximately 1984 until 1993, Plaintiff Susan O'Connor, the mother of minor plaintiff Patrick O'Connor Jr., was an employee of Motorola at its Mesa, Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

70. From approximately 1981 until 1982, Michael Dubue, the father of plaintiff Jason Coar, was an employee of Motorola at its Mesa, Arizona facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

71. Between approximately 1968 and 1982, Jacqueline Coar, the mother of plaintiff Jason Coar, was an employee of Motorola at its Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

72. From approximately 1972 until 1973, Layne Smith, the mother of plaintiff Mitchell Smith, was an employee of Motorola at its Phoenix, Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

73. From approximately 1972 until 1973, David Smith, the father of plaintiff Mitchell Smith, was an employee of Motorola at its Phoenix, Arizona facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

74. From approximately 1965 until 1971, Ann Cava, the mother of plaintiff Monica Elias, was an employee of Motorola at its Phoenix, Arizona facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

75. From approximately 1988 until 2001, Hector Romero, the father of plaintiff Eduardo Romero, was an employee of Motorola at its Phoenix Arizona facilities, where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

76. From approximately 1993 until 1998, plaintiff Armando Fernandez, the father of minor plaintiff Meg Fernandez, was an employee of Motorola at its Austin, Texas facilities where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

77. From approximately 1994 until 2004, plaintiff Denise Michelle Grambort, the mother of minor plaintiff Robert Grambort, was an employee of Motorola at its Austin, Texas facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

78. From approximately February 2005 until November 2005, plaintiff Jerry Johnson, the father of minor plaintiff Summer Johnson, worked at the above Austin,

Texas facilities where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

79. From approximately 1995 until 1999, plaintiff Faustina Gonzalez, the mother of minor plaintiff Mariah Gonzalez, was an employee of Aramark, a subcontractor of Motorola, at its Austin, Texas facilities, where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

80. From approximately 1997 until 2006, plaintiff Eric Hardison, the father of minor plaintiff Jeremy Hardison, was an employee of Motorola at its Austin, Texas facilities where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

81. From approximately 1995 until approximately 1996, plaintiff Glen Wright, the father of minor plaintiffs Cheyenne and Sebastian Wright, was an employee of Motorola at its Austin, Texas facilities where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

82. From approximately 1999 until 2000 or 2001, plaintiff Vincent Miller, the father of minor plaintiff Serenity Miller, was an employee of Motorola at its Austin, Texas facilities where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

83. From approximately January 1991 until present day, plaintiff Robert Torrez, the father of minor plaintiff Robert Evan Torrez, was an employee of Motorola at its

Austin, Texas facilities where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

84. From approximately 1995 until November 2002, plaintiff Janan Adams, the mother of minor plaintiff Joshua Adams, was an employee of Motorola at its Austin, Texas facilities where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

85. From approximately 1994 until March 2003, plaintiff Steven Adams, the father of minor plaintiff Joshua Adams, was an employee of Motorola at its Austin, Texas facilities where she worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

86. From approximately June 1979 until May 2001, plaintiff Allen McDonald, the father of minor plaintiff Kristopher McDonald, was an employee of Motorola at its Austin, Texas facilities where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

87. From approximately 1992 or 1993 until August 1997, Jeffrey Mensing, the father of minor plaintiff Elizabeth Mensing, was an employee of Motorola at its Austin, Texas facilities where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.

88. From approximately 1994 until late 2000 or early 2001, plaintiff Gabriel Salazar, the father of minor plaintiff Nicholas Salazar, was an employee of Motorola at its Austin, Texas facilities where he worked with and was exposed to chemicals and substances that were utilized in the process of manufacturing semiconductor devices.



89. Upon information and belief, at all relevant times, the chemicals and substances to which Lisa LeDeaux, Mark LeDeaux, George Bryan, Brandon Constant, Leilani Cortez, Harlan Finzer, Raymond Gall, Vicki Gall, Josie Solarez, Celia Trevino, Timothy Hill, Mary Mark, Gerald Higbee, Virginia Dietzman, Thomas Lyko, Rosa Marin-Arballo, Susan O'Connor, Jacqueline Coar, Michael Dubue, Layne Smith, David Smith, Ann Cava, Hector Romero, Armando Fernandez, Denise Michelle Grambort, Jerry Johnson, Faustina Gonzalez, Eric Hardison, Glen Wright, Lucy Wright, Vincent Miller, Robert Torrez, Janan Adams, Steven Adams, Allen McDonald, Jeffrey Mensing, and Gabriel Salazar (collectively "the exposed 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) Radio frequency radiation and ionizing radiation used both in association with clean room process chemicals and for the purpose of generating new chemical mixtures, e.g., "plasmas;"
- g) Arsenic compounds including gallium arsenide, inorganic arsenic and arsine gas;
- h) 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;
- i) Organic solvents such as toluene, acetone, methyl ethyl ketone (MEK) and methanol;
- j) Epoxy resin-based glues made from epichlorohydrin and bisphenol A.

90. Upon information and belief, at all relevant times, the aforementioned chemicals and substances were manufactured, designed, sold, or distributed by Defendant.

91. At all relevant times, the exposed parents worked in and around "clean rooms" and elsewhere at the above-referenced Motorola's facilities where semiconductor "wafers," "microchips" and "boards" were being manufactured for use in computers, and where the aforementioned chemicals and substances were present.

92. At all relevant times, Defendant designed, manufactured, distributed, sold, supplied and/or installed hazardous toxic chemicals or substances from Schaumburg Illinois for use in Defendant's clean rooms and elsewhere, where the Defendant utilized them in the manufacturing process of said semiconductor computer "wafers," "chips" and "boards."

93. The exposure of the exposed parents on or near the assembly line, manufacturing said semiconductor "wafers," "chips" and "boards," and elsewhere at the above-referenced Motorola facilities resulted in their prolonged contact with and exposure to these chemicals and substances used in the clean rooms and at other locations at the site.

94. The exposure of the exposed parents to the aforesaid chemicals and substances was monitored by Motorola in Schaumburg as was the disease burden to employees and their families and therefore was completely foreseeable by Executives and Managers of Motorola in Schaumburg and was or should have been anticipated by Defendant.

95. At all relevant times, the exposed parents through manuals written in Schaumburg and through training originating there were required to use and/or work in proximity to these chemicals in the so-called "clean rooms" and elsewhere where semiconductors were manufactured and elsewhere at the Defendant's facilities. By deliberate corporate specification, clean rooms are only "clean" for the semiconductor "wafers" and "chips," and only particles are filtered. No generalized ventilation system was configured explicitly to protect the workers from inhalation or skin exposure to the liquids, vapors, gases and fumes from the chemicals. At all relevant times, these

chemicals have been components of the recirculated air in the clean room, have remained in the recirculated air mixture and have not been removed from it. Any "protective" gear worn by the workers was solely for the protection of the chips from particles on the workers' clothing and bodies, rather than as protection of the workers from exposure to chemicals or substances in the clean room or elsewhere.

96. The aforesaid chemicals and substances to which the exposed parents were exposed and which were specified by Motorola in Schaumburg in the course of employment were defective, unsafe and/or unreasonably dangerous.

97. At all relevant times, Defendant failed to utilize proper measures to prevent its workers and others, including the exposed parents, from being exposed to these harmful chemicals and substances.

98. At all relevant times, through executive decisions in Schaumburg, Illinois Defendant deliberately failed and refused to warn or advise the exposed parents of the dangerous characteristics of the chemicals and substances and of the health threats or adverse consequences to those who might use or be exposed to these chemicals and substances, through inhalation and dermal contact, and to their offspring.

99. At all relevant times, Defendant failed to study, investigate, determine, impose or comply with reasonable standards and regulations to protect and promote the health and safety of, or to minimize the dangers to those using or who would foreseeably use or be harmed by the aforesaid chemicals or substances, including the exposed parents and their offspring.

100. At all relevant times, Defendant failed to fully and properly test and study the aforesaid chemicals and substances to learn of the hazards associated with their use.

101. At all relevant times, management at Defendant's headquarters in Schaumburg, Illinois was solely and directly responsible for the above deliberate corporate policy, decisions and precautions regarding health, safety, industrial hygiene and compliance with OSHA regulations.

102. At all relevant times, management at the Defendant's headquarters in Schaumburg, Illinois made all decisions regarding the dissemination and communication of health, safety, industrial hygiene and OSHA compliance information to the individual Motorola facilities identified above at which the exposed parents worked.

103. Defendant made express and implied warranties and representations, incorrectly and untruthfully, that the aforesaid chemicals and substances were safe and suitable for use.

104. Motivated by a desire for unwarranted economic gain and profit, Defendant willfully and recklessly ignored and concealed from the exposed parents' knowledge, in existence at all relevant times, of the health hazards of the aforementioned chemicals and substances and have thereby exhibited reckless disregard for the health and well being of the Plaintiffs, and numerous others who worked for Motorola and used Defendant's products.

105. Defendant has wrongfully, knowingly, and with intent to deceive, misrepresented to the exposed parents that working in the cleanrooms and elsewhere at Defendant's facilities was safe, and intentionally concealed from the exposed parents and the other clean room employees the severe health hazards posed to them and their offspring as a consequence of the dangerous working conditions in the Motorola facilities. By reason of Defendant's omissions and commissions, misrepresentations,

deceptions and concealments, Plaintiffs not only sustained the injuries herein alleged, but said conduct has deprived Plaintiffs of a fair and reasonable opportunity to discover that their injuries were tortiously caused by Defendant's misconduct.

106. To the extent that any Plaintiff's injury was present prior to the commencement of this action, Plaintiffs were not on notice that the injury was tortiously caused by Defendant's misconduct.

107. Plaintiffs Marcus LeDeaux, Elizabeth Bryan, Hunter Constant, Tanya Cortez, Sarina Finzer, John Gall, Ray Solarez, Gabriel Ernesto Trevino, Diana Hill, Frank Martinez Valdez III, Jennifer Bernard, Rose Lyko, Tyler Lyko, Enrique Daniel Marin Arballo, Patrick O'Connor Jr., Jason Coar, Mitchell Smith, Monica Elias, Eduardo Romero, Meg Fernandez, Robert Grambort, Summer Johnson, Mariah Gonzalez, Jeremy Hardison, Cheyenne Wright, Sebastian Wright, Serenity Miller, Robert Evan Torrez, Joshua Adams, Kristopher McDonald, Elizabeth Mensing and Nicholas Salazar's personal injuries were caused or contributed to by the exposed parents' exposure to hazardous, genotoxic, and reproductively toxic substances in Defendant's above-referenced facilities.

108. Prior to and/or during the pregnancies that resulted in the births of Marcus LeDeaux, Elizabeth Bryan, Hunter Constant, Tanya Cortez, Sarina Finzer, John Gall, Ray Solarez, Gabriel Ernesto Trevino, Diana Hill, Frank Martinez Valdez III, Jennifer Bernard, Rose Lyko, Tyler Lyko, Enrique Daniel Marin Arballo, Patrick O'Connor Jr., Jason Coar, Mitchell Smith, Monica Elias, Eduardo Romero, Meg Fernandez, Robert Grambort, Summer Johnson, Mariah Gonzalez, Jeremy Hardison, Cheyenne Wright, Sebastian Wright, Serenity Miller, Robert Evan Torrez, Joshua Adams, Kristopher

McDonald, Elizabeth Mensing and Nicholas Salazar, the respective exposed parents each sustained insults to their reproductive systems as a result of their employment at Motorola, which caused injuries to Marcus LeDeaux, Elizabeth Bryan, Hunter Constant, Tanya Cortez, Sarina Finzer, John Gall, Ray Solarez, Gabriel Ernesto Trevino, Diana Hill, Frank Martinez Valdez III, Jennifer Bernard, Rose Lyko, Tyler Lyko, Enrique Daniel Marin Arballo, Patrick O'Connor Jr., Jason Coar, Mitchell Smith, Monica Elias, Eduardo Romero, Meg Fernandez, Robert Grambort, Summer Johnson, Mariah Gonzalez, Jeremy Hardison, Cheyenne Wright, Sebastian Wright, Serenity Miller, Robert Evan Torrez, Joshua Adams, Kristopher McDonald, Elizabeth Mensing, and Nicholas Salazar.

109. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiffs Lisa LeDeaux and Mark LeDeaux's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Marcus LeDeaux sustained the following injuries and/or damages:

- a) cerebral palsy;
- b) severe neurological problems;
- c) autism;
- d) developmental delays;
- e) Strabismus, requiring multiple eye surgeries;
- f) physical disabilities;
- g) mental anguish;
- h) loss of enjoyment of life's pleasures;

- i) inability to participate in activities as would an unimpaired individual of his age and background;
  - j) lost income and earning opportunities;
  - k) medical expenses;
  - l) other economic loss;
- and was otherwise injured or damaged.

110. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff George Bryan's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Elizabeth Bryan sustained the following injuries and/or damages:

- a) AV brain malformation requiring multiple surgeries;
  - b) physical disabilities;
  - c) mental anguish;
  - d) loss of enjoyment of life's pleasures;
  - e) inability to participate in activities as would an unimpaired individual of her age and background;
  - f) lost income and earning opportunities;
  - g) medical expenses;
  - h) other economic loss;
- and was otherwise injured or damaged.

111. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Brandon Constant's exposure to hazardous, genotoxic, and reproductively



toxic substances, pollutants or contaminants, plaintiff Hunter Constant sustained the following injuries and/or damages:

- a) optic nerve hypoplasia;
  - b) midline birth defect of the mouth;
  - c) Asperger's syndrome;
  - d) physical disabilities;
  - e) mental anguish;
  - f) loss of enjoyment of life's pleasures;
  - g) inability to participate in activities as would an unimpaired individual of his age and background;
  - h) lost income and earning opportunities;
  - i) medical expenses;
  - j) other economic loss;
- and was otherwise injured or damaged.

112. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Leilani Cortez's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Tanya Cortez sustained the following injuries and/or damages:

- a) mental retardation;
- b) seizures;
- c) physical disabilities;
- d) mental anguish;
- e) loss of enjoyment of life's pleasures;

- f) inability to participate in activities as would an unimpaired individual of her age and background;
  - g) lost income and earning opportunities;
  - h) medical expenses;
  - i) other economic loss;
- and was otherwise injured or damaged.

113. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Harlan Finzer's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Sarina Finzer sustained the following injuries and/or damages:

- a) club foot;
  - b) tumor on foot;
  - c) physical disabilities;
  - d) mental anguish;
  - e) loss of enjoyment of life's pleasures;
  - f) inability to participate in activities as would an unimpaired individual of her age and background;
  - g) lost income and earning opportunities;
  - h) medical expenses;
  - i) other economic loss;
- and was otherwise injured or damaged.

114. As a consequence of the foregoing misconduct on the part of Defendant, and Vicki Gall's and Raymond Gall's exposure to hazardous, genotoxic, and

reproductively toxic substances, pollutants or contaminants, plaintiff John Gall sustained the following injuries and/or damages:

- a) defect of the aortic valve;
  - b) spinal stenosis;
  - c) skeletal deformities;
  - d) arthritis;
  - e) physical disabilities;
  - f) mental anguish;
  - g) loss of enjoyment of life's pleasures;
  - h) inability to participate in activities as would an unimpaired individual of his age and background;
  - i) lost income and earning opportunities;
  - j) medical expenses;
  - k) other economic loss;
- and was otherwise injured or damaged.

115. As a consequence of the foregoing misconduct on the part of Defendant, and Josie Solarez's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Ray Solarez sustained the following injuries and/or damages:

- a) bile duct abnormalities in the liver;
- b) hole in the heart;
- c) mental retardation;
- d) arthritis in knees requiring surgery;

- e) physical disabilities;
  - f) mental anguish;
  - g) loss of enjoyment of life's pleasures;
  - h) inability to participate in activities as would an unimpaired individual of his age and background;
  - i) lost income and earning opportunities;
  - j) medical expenses;
  - k) other economic loss;
- and was otherwise injured or damaged.

116. As a consequence of the foregoing misconduct on the part of Defendant, and Celia Trevino's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Gabriel Ernesto Trevino sustained the following injuries and/or damages:

- a) seizures;
- b) right side of body larger than left;
- c) repetitive infections of testicles and eye;
- d) migraine headaches;
- e) physical disabilities;
- f) mental anguish;
- g) loss of enjoyment of life's pleasures;
- h) inability to participate in activities as would an unimpaired individual of his age and background;
- i) lost income and earning opportunities;

- j) medical expenses;
- k) other economic loss;

and was otherwise injured or damaged.

117. As a consequence of the foregoing misconduct on the part of Defendant, and Timothy Hill's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Diana Hill sustained the following injuries and/or damages:

- a) Empty Sella Syndrome;
- b) spina bifida;
- c) seizures;
- d) attention deficit disorder;
- e) deformed sternoclavicular;
- f) physical disabilities;
- g) mental anguish;
- h) loss of enjoyment of life's pleasures;
- i) inability to participate in activities as would an unimpaired individual of her age and background;
- j) lost income and earning opportunities;
- k) medical expenses;
- l) other economic loss;

and was otherwise injured or damaged.

118. As a consequence of the foregoing misconduct on the part of Defendant, and Mary Mark's exposure to hazardous, genotoxic, and reproductively toxic substances,

pollutants or contaminants, plaintiff Frank Martinez Valdez III sustained the following injuries and/or damages:

- a) Cri-du-chat syndrome;
  - b) physical disabilities;
  - c) mental anguish;
  - d) loss of enjoyment of life's pleasures;
  - e) inability to participate in activities as would an unimpaired individual of his age and background;
  - f) lost income and earning opportunities;
  - g) medical expenses;
  - h) other economic loss;
- and was otherwise injured or damaged.

119. As a consequence of the foregoing misconduct on the part of Defendant, and Gerald Higbee's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Jennifer Bernard sustained the following injuries and/or damages:

- a) scoliosis;
- b) skeletal and spinal problems;
- c) physical disabilities;
- d) mental anguish;
- e) loss of enjoyment of life's pleasures;
- f) inability to participate in activities as would an unimpaired individual of her age and background;

- g) lost income and earning opportunities;
- h) medical expenses;
- i) other economic loss;

and was otherwise injured or damaged.

120. As a consequence of the foregoing misconduct on the part of Defendant, and Virginia Dietzman's and Thomas Lyko's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Rose Lyko sustained the following injuries and/or damages:

- a) Hemoangioendoepithelioma;
- b) amputation of left leg above the knee due to cancer;
- c) gall bladder removed due to cancer;
- d) liver partially removed due to cancer;
- e) physical disabilities;
- f) mental anguish;
- g) loss of enjoyment of life's pleasures;
- h) inability to participate in activities as would an unimpaired individual of her age and background;
- i) lost income and earning opportunities;
- j) medical expenses;
- k) other economic loss;

and was otherwise injured or damaged.

121. As a consequence of the foregoing misconduct on the part of Defendant, and Virginia Dietzman's and Thomas Lyko's exposure to hazardous, genotoxic, and

reproductively toxic substances, pollutants or contaminants, plaintiff Tyler Lyko sustained the following injuries and/or damages:

- a) severe aphthous ulcers requiring surgery;
  - b) scarring;
  - c) difficulty speaking;
  - d) physical disabilities;
  - e) mental anguish;
  - f) loss of enjoyment of life's pleasures;
  - g) inability to participate in activities as would an unimpaired individual of his age and background;
  - h) lost income and earning opportunities;
  - i) medical expenses;
  - j) other economic loss;
- and was otherwise injured or damaged.

122. As a consequence of the foregoing misconduct on the part of Defendant, and Rosa Marin-Arballo's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Enrique Daniel Marin Arballo sustained the following injuries and/or damages:

- a) tuberous sclerosis;
- b) epilepsy;
- c) autism;
- d) language and developmental delays;
- e) physical disabilities;



- f) mental anguish;
  - g) loss of enjoyment of life's pleasures;
  - h) inability to participate in activities as would an unimpaired individual of his age and background;
  - i) lost income and earning opportunities;
  - j) medical expenses;
  - k) other economic loss;
- and was otherwise injured or damaged.

123. As a consequence of the foregoing misconduct on the part of Defendant, and Susan O'Connor's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Patrick O'Connor Jr. sustained the following injuries and/or damages:

- a) cryptorchidism requiring surgery;
  - b) physical disabilities;
  - c) mental anguish;
  - d) loss of enjoyment of life's pleasures;
  - e) inability to participate in activities as would an unimpaired individual of his age and background;
  - f) lost income and earning opportunities;
  - g) medical expenses;
  - h) other economic loss;
- and was otherwise injured or damaged.

124. As a consequence of the foregoing misconduct on the part of Defendant, and Jacqueline Coar's and Michael Dubue's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Jason Coar sustained the following injuries and/or damages:

- a) autism;
  - b) attention deficit disorder;
  - c) obsessive compulsive disorder;
  - d) developmental disabilities;
  - e) physical disabilities;
  - f) mental anguish;
  - g) loss of enjoyment of life's pleasures;
  - h) inability to participate in activities as would an unimpaired individual of his age and background;
  - i) lost income and earning opportunities;
  - j) medical expenses;
  - k) other economic loss;
- and was otherwise injured or damaged.

125. As a consequence of the foregoing misconduct on the part of Defendant, and Layne and David Smith's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Mitchell Smith sustained the following injuries and/or damages:

- a) club foot;
- b) short Achilles tendon;

- c) knee and tibia abnormalities;
  - d) physical disabilities;
  - e) mental anguish;
  - f) loss of enjoyment of life's pleasures;
  - g) inability to participate in activities as would an unimpaired individual of his age and background;
  - h) lost income and earning opportunities;
  - i) medical expenses;
  - j) other economic loss;
- and was otherwise injured or damaged.

126. As a consequence of the foregoing misconduct on the part of Defendant, and Ann Cava's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Monica Elias sustained the following injuries and/or damages:

- a) joint and skeletal defects requiring multiple surgeries;
- b) strabismus requiring surgery;
- c) premature birth;
- d) physical disabilities;
- e) mental anguish;
- f) loss of enjoyment of life's pleasures;
- g) inability to participate in activities as would an unimpaired individual of her age and background;
- h) lost income and earning opportunities;

- i) medical expenses;
- j) other economic loss;

and was otherwise injured or damaged.

127. As a consequence of the foregoing misconduct on the part of Defendant, and Hector Romero's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Eduardo Romero sustained the following injuries and/or damages:

- a) Klinefelter's Syndrome;
- b) Genital abnormalities;
- c) Sterility;
- d) developmental delays;
- e) physical disabilities;
- f) mental anguish;
- g) loss of enjoyment of life's pleasures;
- h) inability to participate in activities as would an unimpaired individual of his age and background;
- i) lost income and earning opportunities;
- j) medical expenses;
- k) other economic loss;

and was otherwise injured or damaged.

128. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Armando Fernandez's exposure to hazardous, genotoxic, and reproductively

toxic substances, pollutants or contaminants, plaintiff Meg Fernandez sustained the following injuries and/or damages:

- a) Severe cleft palate;
  - b) amniotic banding syndrome resulting in missing digits;
  - c) physical disabilities;
  - d) mental anguish;
  - e) loss of enjoyment of life's pleasures;
  - f) inability to participate in activities as would an unimpaired individual of her age and background;
  - g) lost income and earning opportunities;
  - h) medical expenses;
  - i) other economic loss;
- and was otherwise injured or damaged.

129. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Denise Michelle Grambort's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Robert Grambort sustained the following injuries and/or damages:

- a) Missing left ear and ear canal;
- b) speech problems;
- c) physical disabilities;
- d) mental anguish;
- e) loss of enjoyment of life's pleasures;

- f) inability to participate in activities as would an unimpaired individual of his age and background;
  - g) lost income and earning opportunities;
  - h) medical expenses;
  - i) other economic loss;
- and was otherwise injured or damaged.

130. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Jerry Johnson's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Summer Johnson sustained the following injuries and/or damages:

- a) Blindness;
  - b) pituitary abnormality;
  - c) physical disabilities;
  - d) mental anguish;
  - e) loss of enjoyment of life's pleasures;
  - f) inability to participate in activities as would an unimpaired individual of her age and background;
  - g) lost income and earning opportunities;
  - h) medical expenses;
  - i) other economic loss;
- and was otherwise injured or damaged.

131. As a consequence of the foregoing misconduct on the part of Defendant, and Faustina Gonzalez's exposure to hazardous, genotoxic, and reproductively toxic

substances, pollutants or contaminants, plaintiff Mariah Gonzalez sustained the following injuries and/or damages:

- a) Psoriatic rheumatoid arthritis;
  - b) physical disabilities;
  - c) mental anguish;
  - d) loss of enjoyment of life's pleasures;
  - e) inability to participate in activities as would an unimpaired individual of her age and background;
  - f) lost income and earning opportunities;
  - g) medical expenses;
  - h) other economic loss;
- and was otherwise injured or damaged.

132. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Eric Hardison's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Jeremy Hardison sustained the following injuries and/or damages:

- a) Micrognathia;
- b) cleft palate;
- c) physical disabilities;
- d) mental anguish;
- e) loss of enjoyment of life's pleasures;
- f) inability to participate in activities as would an unimpaired individual of his age and background;

- g) lost income and earning opportunities;
- h) medical expenses;
- i) other economic loss;

and was otherwise injured or damaged.

133. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Glen Wright's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiffs Cheyenne Wright and Sebastian Wright sustained the following injuries and/or damages:

- a) Missing right ear and canal;
- b) physical disabilities;
- c) mental anguish;
- d) loss of enjoyment of life's pleasures;
- e) inability to participate in activities as would an unimpaired individual of their ages and backgrounds;
- f) lost income and earning opportunities;
- g) medical expenses;
- h) other economic loss;

and was otherwise injured or damaged.

134. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Vincent Miller's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Serenity Miller sustained the following injuries and/or damages:

- a) Blindness;



- b) hydrocephalus;
  - c) heart malformations;
  - d) gastro-intestinal problems;
  - e) physical disabilities;
  - f) mental anguish;
  - g) loss of enjoyment of life's pleasures;
  - h) inability to participate in activities as would an unimpaired individual of his age and background;
  - i) lost income and earning opportunities;
  - j) medical expenses;
  - k) other economic loss;
- and was otherwise injured or damaged.

135. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Robert Torrez's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Robert Evan Torrez sustained the following injuries and/or damages:

- a) Severe hip dysplasia;
- b) crooked feet;
- c) physical disabilities;
- d) mental anguish;
- e) loss of enjoyment of life's pleasures;
- f) inability to participate in activities as would an unimpaired individual of his age and background;

- g) lost income and earning opportunities;
- h) medical expenses;
- i) other economic loss;

and was otherwise injured or damaged.

136. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiffs Steven and Janan Adams' exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Joshua Adams sustained the following injuries and/or damages:

- a) Severe speech disorder
- b) cognitive defects;
- c) physical disabilities;
- d) mental anguish;
- e) loss of enjoyment of life's pleasures;
- f) inability to participate in activities as would an unimpaired individual of his age and background;
- g) lost income and earning opportunities;
- h) medical expenses;
- i) other economic loss;

and was otherwise injured or damaged.

137. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Allen McDonald's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Kristopher McDonald sustained the following injuries and/or damages:

- a) Chronic inflammatory polyneuropathy;
  - b) physical disabilities;
  - c) mental anguish;
  - d) loss of enjoyment of life's pleasures;
  - e) inability to participate in activities as would an unimpaired individual of his age and background;
  - f) lost income and earning opportunities;
  - g) medical expenses;
  - h) other economic loss;
- and was otherwise injured or damaged.

138. As a consequence of the foregoing misconduct on the part of Defendant, and Jeffrey Mensing's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Elizabeth Mensing sustained the following injuries and/or damages:

- a) Severe learning disabilities;
- b) physical disabilities;
- c) mental anguish;
- d) loss of enjoyment of life's pleasures;
- e) inability to participate in activities as would an unimpaired individual of his age and background;
- f) lost income and earning opportunities;
- g) medical expenses;
- h) other economic loss;

and was otherwise injured or damaged.

139. As a consequence of the foregoing misconduct on the part of Defendant, and plaintiff Gabriel Salazar's exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiff Nicholas Salazar sustained the following injuries and/or damages:

- a) Hemangioma;
- b) extra skin on ears;
- c) physical disabilities;
- d) mental anguish;
- e) loss of enjoyment of life's pleasures;
- f) inability to participate in activities as would an unimpaired individual of his age and background;
- g) lost income and earning opportunities;
- h) medical expenses;
- i) other economic loss;

and was otherwise injured or damaged.

140. As a consequence of the foregoing misconduct on the part of Defendant, and the exposed parents' exposure to hazardous, genotoxic, and reproductively toxic substances, pollutants or contaminants, plaintiffs Lisa LeDeaux, Mark LeDeaux, George Bryan, Cynthia Bryan, Brandon Constant, Wendy Constant, Leilani Cortez, Joe Cortez, Harlan Finzer, Sarah Finzer, Josie Solarez, Mary Mark, Rosa Marin-Arballo, Henry Arballo, Susan O'Connor, Patrick O'Connor, Alicia Romero, Hector Romero, Armando Fernandez, Shachico Fernandez, Scott Grambort, Denise Michelle Grambort, Jerry

Johnson, Sarah Sulser, Faustina Gonzalez, Eric Hardison, Cheryl Hardison, Glen Wright, Lucy Wright, Vincent Miller, Misty Everts, Robert Torrez, Steven Adams, Janan Adams, Allen McDonald, Mercedes McDonald, Angela Mensing, Gabriel Salazar, and Debbie Palacios sustained the following injuries and/or damages:

- a. lost and will continue to lose the companionship, society, and services of their injured children;
  - b. suffered and will continue to suffer mental anguish arising from the injuries to their respective children;
  - c. incurred and will continue to incur medical costs and other expenses arising from the injuries to their respective children;
- and were otherwise injured or damaged.

### COUNT I

### NEGLIGENCE

Now come Plaintiffs, Marcus LeDeaux, a minor, by his mother and next friend, Lisa LeDeaux; Elizabeth Bryan, a minor, by her father and next friend, George Bryan; Hunter Constant, a minor, by his father and next friend, Brandon Constant; Tanya Cortez; Sarina Finzer, a minor, by her father and next friend, Harlan Finzer; John Gall; Ray Solarez; Gabriel Ernesto Trevino; Diana Hill; Frank Martinez Valdez III; Jennifer Bernard; Rose Lyko; Tyler Lyko; Enrique Daniel Marin Arballo; Patrick O'Connor Jr., a minor, by his mother and next friend, Susan O'Connor; Jason Coar; Mitchell Smith; Monica Elias; Eduardo Romero, a minor, by his father and next friend, Hector Romero; Meg Fernandez, a minor, by her father and next friend Armando Fernandez; Robert

Grambort, a minor, by his father and next friend Scott Grambort; Summer Johnson, a minor, by her father and next friend Jerry Johnson; Mariah Gonzalez, a minor, by her mother and next friend Faustina Gonzalez; Jeremy Hardison, a minor, by his father and next friend Eric Hardison; Cheyenne and Sebastian Wright, minors, by their father and next friend Glen Wright; Serenity Miller, a minor, by her mother and next friend Misty Everts; Robert Evan Torrez, a minor, by his father and next friend Robert Torrez; Joshua Adams, a minor, by his mother and next friend Janan Adams; Kristopher McDonald, a minor, by his father and next friend Allen McDonald; Elizabeth Mensing, a minor, by her mother and next friend Angela Mensing; Nicholas Salazar, a minor, by his father and next friend Gabriel Salazar; by and through their attorneys Cooney & Conway, Levy Phillips & Konigsberg, LLP, and Thornton & Naumes, LLP, and complaining of defendant, Motorola, allege as follows.

141. At all relevant times the exposed parents were required to use and/or work in proximity to chemicals in the so-called "clean rooms" where semiconductors are manufactured and elsewhere at the Motorola facilities. By specification, clean rooms are only "clean" for the semiconductor "wafers" and "chips," and only particles are filtered. No generalized ventilation system is configured explicitly to protect the workers from inhalation or skin exposure to the liquids, vapors, gases and fumes from the chemicals. At all relevant times these chemicals were components of the recirculated air in the clean rooms, remained in the recirculated air mixture and were not removed from the air. Any "protective" gear worn by the workers was solely for the protection of the chips from particles on the workers' clothing and bodies, rather than as protection of the workers from exposure to chemicals or substances in the clean room or elsewhere.

142. The aforesaid chemicals and substances to which the exposed parents were exposed were defective, unsafe, and/or unreasonably dangerous.

143. Defendant had a non-delegable duty to protect the exposed parents and their unborn offspring from exposure to reproductively toxic, genotoxic, mutagenic, hazardous, and teratogenic chemicals and substances in the workplace.

144. At said time and place, notwithstanding their aforesaid duties, the defendant,

Motorola, was then and there guilty of one or more of the following acts or omissions:

- a. Failed to utilize proper measures through its Environmental Health Systems in Schaumburg, Illinois to prevent its workers, including the exposed parents, from being exposed to these harmful chemicals and substances;
- b. Failed and refused to warn or advise the exposed parents and all workers of the dangerous characteristics of the chemicals and substances and of the health threats or adverse consequences to those who might use or be exposed to these chemicals and substances despite knowledge of said danger at the high corporate levels in Schaumburg, Illinois;
- c. Failed to impose or comply with reasonable standards and regulations to protect and promote the health and safety of, or to minimize the dangers to those using or who would foreseeably use or be harmed by the aforesaid chemicals or substances, including the exposed parents and their offspring after obtaining information of said dangers at the executive level in Schaumburg, Illinois;
- d. Failed to fully and properly test and study the aforesaid chemicals and substances to learn how to eliminate the hazards associated with their use;
- e. Failed to provide a safe place to work; and
- f. Was otherwise negligent.

145. As a direct and proximate result of one or more of the aforesaid wrongful acts

of the Defendant, Motorola, the plaintiffs Marcus LeDeaux, Elizabeth Bryan, Hunter Constant, Tanya Cortez, Sarina Finzer, John Gall, Ray Solarez, Gabriel Ernesto Trevino, Diana Hill, Frank Martinez Valdez III, Jennifer Bernard, Rose Lyko, Tyler Lyko, Enrique Daniel Marin Arballo, Patrick O'Connor Jr., Jason Coar, Mitchell Smith, Monica Elias, Eduardo Romero, Meg Fernandez, Robert Grambort, Summer Johnson, Mariah Gonzalez, Jeremy Hardison, Cheyenne Wright, Sebastian Wright, Serenity Miller, Robert Evan Torrez, Joshua Adams, Kristopher McDonald, Elizabeth Mensing, and Nicholas Salazar were severely and permanently injured, and sustained medical bills, severe physical, psychological, and emotional injury and distress, were forced to endure extensive pain, were deprived of a fair and reasonable opportunity to discover the cause of their injuries any sooner, and moreover, were subjected to permanent and debilitating injuries, and/or suffered severe emotional injury, as a result of the conduct of the Defendant.

WHEREFORE, the Plaintiffs, Marcus LeDeaux, a minor, by his mother and next friend, Lisa LeDeaux; Elizabeth Bryan, a minor, by her father and next friend, George Bryan; Hunter Constant, a minor, by his father and next friend, Brandon Constant; Tanya Cortez; Sarina Finzer, a minor, by her father and next friend, Harlan Finzer; John Gall; Ray Solarez; Gabriel Ernesto Trevino; Diana Hill; Frank Martinez Valdez III; Jennifer Bernard; Rose Lyko; Tyler Lyko; Enrique Daniel Marin Arballo; Patrick O'Connor Jr., a minor, by his mother and next friend, Susan O'Connor; Jason Coar; Mitchell Smith; Monica Elias; Eduardo Romero, a minor, by his father and next friend, Hector Romero; Meg Fernandez, a minor, by her father and next friend Armando Fernandez; Robert Grambort, a minor, by his father and next friend Scott Grambort; Summer Johnson, a



minor, by her father and next friend Jerry Johnson; Mariah Gonzalez, a minor, by her mother and next friend Faustina Gonzalez; Jeremy Hardison, a minor, by his father and next friend Eric Hardison; Cheyenne and Sebastian Wright, minors, by their father and next friend Glen Wright; Serenity Miller, a minor, by her mother and next friend Misty Everts; Robert Evan Torrez, a minor, by his father and next friend Robert Torrez; Joshua Adams, a minor, by his mother and next friend Janan Adams; Kristopher McDonald, a minor, by his father and next friend Allen McDonald; Elizabeth Mensing, a minor, by her mother and next friend Angela Mensing; Nicholas Salazar, a minor, by his father and next friend Gabriel Salazar, request judgment against the Defendant, for a sum in excess of the law division jurisdictional amount and costs of this action.

## COUNT II

### ABNORMALLY DANGEROUS AND ULTRA HAZARDOUS ACTIVITY

Now come Plaintiffs, Marcus LeDeaux, a minor, by his mother and next friend, Lisa LeDeaux; Elizabeth Bryan, a minor, by her father and next friend, George Bryan; Hunter Constant, a minor, by his father and next friend, Brandon Constant; Tanya Cortez; Sarina Finzer, a minor, by her father and next friend, Harlan Finzer; John Gall; Ray Solarez; Gabriel Ernesto Trevino; Diana Hill; Frank Martinez Valdez III; Jennifer Bernard; Rose Lyko; Tyler Lyko; Enrique Daniel Marin Arballo; Patrick O'Connor Jr., a minor, by his mother and next friend, Susan O'Connor; Jason Coar; Mitchell Smith; Monica Elias; Eduardo Romero, a minor, by his father and next friend, Hector Romero; Meg Fernandez, a minor, by her father and next friend Armando Fernandez; Robert Grambort, a minor, by his father and next friend Scott Grambort; Summer Johnson, a minor, by her father and next friend Jerry Johnson; Mariah Gonzalez, a minor, by her

mother and next friend Faustina Gonzalez; Jeremy Hardison, a minor, by his father and next friend Eric Hardison; Cheyenne and Sebastian Wright, minors, by their father and next friend Glen Wright; Serenity Miller, a minor, by her mother and next friend Misty Everts; Robert Evan Torrez, a minor, by his father and next friend Robert Torrez; Joshua Adams, a minor, by his mother and next friend Janan Adams; Kristopher McDonald, a minor, by his father and next friend Allen McDonald; Elizabeth Mensing, a minor, by her mother and next friend Angela Mensing; Nicholas Salazar, a minor, by his father and next friend Gabriel Salazar, by and through their attorneys Cooney & Conway, Levy Phillips & Konigsberg, LLP, and Thornton & Naumes, LLP, and complaining of defendant, Motorola, allege as follows.

146. At all relevant times the exposed parents were required to use and/or work in proximity to chemicals in the so-called “clean rooms” where semiconductors are manufactured and elsewhere at the Motorola facilities. By specification, clean rooms are only “clean” for the semiconductor “wafers” and “chips,” and only particles are filtered. No generalized ventilation system is configured explicitly to protect the workers from inhalation or skin exposure to the liquids, vapors, gases and fumes from the chemicals. At all relevant times these chemicals were components of the recirculated air in the clean rooms, remained in the recirculated air mixture and were not removed from the air. Any “protective” gear worn by the workers was solely for the protection of the chips from particles on the workers’ clothing and bodies, rather than as protection of the workers from exposure to chemicals or substances in the clean room or elsewhere.

147. The aforesaid chemicals and substances to which the exposed parents were

exposed are defective, unsafe and abnormally dangerous, use of which by Motorola rose to the level of an ultrahazardous activity.

148. Defendant, Motorola, had a non-delegable duty to assure that any hazardous and toxic substances emitted or used in its factory did not bring harm to any person, including the plaintiffs.

149. The breach of the duty created by carrying out an ultrahazardous activity is subject to strict liability for harm resulting from the activity.

150. Defendant knew or should have known that its aforesaid conduct exposed plaintiffs to an abnormally dangerous and ultra-hazardous activity that would result in harm.

151. Defendant knew or should have known that its employees would be exposed to toxic and hazardous substances, and further that exposure of employees to reproductive toxins would create a high degree of risk of harm to their offspring, including plaintiffs Marcus LeDeaux, Elizabeth Bryan, Hunter Constant, Tanya Cortez, Sarina Finzer, John Gall, Ray Solarez, Gabriel Ernesto Trevino, Diana Hill, Frank Martinez Valdez III, Jennifer Bernard, Rose Lyko, Tyler Lyko, Enrique Daniel Marin Arballo, Patrick O'Connor Jr., Jason Coar, Mitchell Smith, Monica Elias, Eduardo Romero, Meg Fernandez, Robert Grambort, Summer Johnson, Mariah Gonzalez, Jeremy Hardison, Cheyenne Wright, Sebastian Wright, Serenity Miller, Robert Evan Torrez, Joshua Adams, Kristopher McDonald, Elizabeth Mensing, and Nicholas Salazar.

152. The hazardous substances used by Motorola were not of common usage and its employees, including the exposed parents, could not have eliminated the risk to themselves through the use of reasonable care.

153. Motorola's complete failure to warn employees working in or near the "clean rooms" that they were being exposed to reproductive toxins, or substances known to cause severe harm to unborn children, was a clear breach of duty on the part of Motorola.

154. Neither the unknowing Motorola employees, nor their then unborn children exposed to these hazardous substances, could have eliminated the risk through the use of reasonable care.

155. As a direct and proximate result of one or more of the aforesaid wrongful acts of the Defendant, Motorola, the plaintiffs, Marcus LeDeaux, Elizabeth Bryan, Hunter Constant, Tanya Cortez, Sarina Finzer, John Gall, Ray Solarez, Gabriel Ernesto Trevino, Diana Hill, Frank Martinez Valdez III, Jennifer Bernard, Rose Lyko, Tyler Lyko, Enrique Daniel Marin Arballo, Patrick O'Connor Jr., Jason Coar, Mitchell Smith, Monica Elias, Eduardo Romero, Meg Fernandez, Robert Grambort, Summer Johnson, Mariah Gonzalez, Jeremy Hardison, Cheyenne Wright, Sebastian Wright, Serenity Miller, Robert Evan Torrez, Joshua Adams, Kristopher McDonald, Elizabeth Mensing, and Nicholas Salazar were severely and permanently injured, and sustained medical bills, severe physical, psychological, and emotional injury and distress, were forced to endure extensive pain, were deprived of a fair and reasonable opportunity to discover the cause of their injuries any sooner, and moreover, were subjected to permanent and debilitating injuries, and/or suffered severe emotional injury, as a result of the conduct of the Defendant.

WHEREFORE, the Plaintiffs, Marcus LeDeaux, a minor, by his mother and next friend, Lisa LeDeaux; Elizabeth Bryan, a minor, by her father and next friend, George Bryan; Hunter Constant, a minor, by his father and next friend, Brandon Constant; Tanya Cortez; Sarina Finzer, a minor, by her father and next friend, Harlan Finzer; John Gall; Ray Solarez; Gabriel Ernesto Trevino; Diana Hill; Frank Martinez Valdez III; Jennifer Bernard; Rose Lyko; Tyler Lyko; Enrique Daniel Marin Arballo; Patrick O'Connor Jr., a minor, by his mother and next friend, Susan O'Connor; Jason Coar; Mitchell Smith; Monica Elias; Eduardo Romero, a minor, by his father and next friend, Hector Romero; Meg Fernandez, a minor, by her father and next friend Armando Fernandez; Robert Grambort, a minor, by his father and next friend Scott Grambort; Summer Johnson, a minor, by her father and next friend Jerry Johnson; Mariah Gonzalez, a minor, by her mother and next friend Faustina Gonzalez; Jeremy Hardison, a minor, by his father and next friend Eric Hardison; Cheyenne and Sebastian Wright, minors, by their father and next friend Glen Wright; Serenity Miller, a minor, by her mother and next friend Misty Everts; Robert Evan Torrez, a minor, by his father and next friend Robert Torrez; Joshua Adams, a minor, by his mother and next friend Janan Adams; Kristopher McDonald, a minor, by his father and next friend Allen McDonald; Elizabeth Mensing, a minor, by her mother and next friend Angela Mensing; Nicholas Salazar, a minor, by his father and next friend Gabriel Salazar, request judgment against the Defendant, for a sum in excess of the law division jurisdictional amount and costs of this action.

**COUNT III**

**WILLFUL AND WANTON MISCONDUCT**

Now come Plaintiffs, Marcus LeDeaux, a minor, by his mother and next friend, Lisa LeDeaux; Elizabeth Bryan, a minor, by her father and next friend, George Bryan; Hunter Constant, a minor, by his father and next friend, Brandon Constant; Tanya Cortez; Sarina Finzer, a minor, by her father and next friend, Harlan Finzer; John Gall; Ray Solarez; Gabriel Ernesto Trevino; Diana Hill; Frank Martinez Valdez III; Jennifer Bernard; Rose Lyko; Tyler Lyko; Enrique Daniel Marin Arballo; Patrick O'Connor Jr., a minor, by his mother and next friend, Susan O'Connor; Jason Coar; Mitchell Smith; Monica Elias; Eduardo Romero, a minor, by his father and next friend, Hector Romero; Meg Fernandez, a minor, by her father and next friend Armando Fernandez; Robert Grambort, a minor, by his father and next friend Scott Grambort; Summer Johnson, a minor, by her father and next friend Jerry Johnson; Mariah Gonzalez, a minor, by her mother and next friend Faustina Gonzalez; Jeremy Hardison, a minor, by his father and next friend Eric Hardison; Cheyenne and Sebastian Wright, minors, by their father and next friend Glen Wright; Serenity Miller, a minor, by her mother and next friend Misty Everts; Robert Evan Torrez, a minor, by his father and next friend Robert Torrez; Joshua Adams, a minor, by his mother and next friend Janan Adams; Kristopher McDonald, a minor, by his father and next friend Allen McDonald; Elizabeth Mensing, a minor, by her mother and next friend Angela Mensing; Nicholas Salazar, a minor, by his father and next friend Gabriel Salazar, by and through their attorneys Cooney & Conway, Levy Phillips & Konigsberg, LLP, and Thornton & Naumes, LLP, and complaining of defendant, Motorola, allege as follows.

156. At all relevant times the exposed parents were required to use and/or work in proximity to chemicals in the so-called "clean rooms" where semiconductors are

manufactured and elsewhere at the Motorola facilities. By specification, clean rooms are only "clean" for the semiconductor "wafers" and "chips," and only particles are filtered. No generalized ventilation system is configured explicitly to protect the workers from inhalation or skin exposure to the liquids, vapors, gases and fumes from the chemicals. At all relevant times these chemicals were components of the recirculated air in the clean rooms, remained in the recirculated air mixture and were not removed from the air. Any "protective" gear worn by the workers was solely for the protection of the chips from particles on the workers' clothing and bodies, rather than as protection of the workers from exposure to chemicals or substances in the clean room or elsewhere.

157. At said time and place, notwithstanding their aforesaid duties, the defendant, Motorola, was then and there guilty of one or more of the following acts or omissions:

- a. Motorola intentionally, willfully or with a reckless disregard for the safety of its workers, including plaintiffs, exposed the exposed parents to chemicals and substances which were defective, unsafe and/or unreasonably dangerous;
- b. Motorola intentionally, willfully or with a reckless disregard for the safety of its workers, including plaintiffs, failed to utilize proper measures to prevent its workers, including the exposed parents from being exposed to harmful chemicals and substances;
- c. Motorola intentionally, willfully or with a reckless disregard for the safety of its workers, including plaintiffs, failed and refused to warn or advise the exposed parents of the dangerous characteristics of the chemicals and substances and of the health threats or adverse consequences to those who might use or be exposed to these chemicals and substances, including workers' unborn children;
- d. Motorola intentionally, willfully or with a reckless disregard for the safety of its workers, including plaintiffs, failed to study, investigate, determine, impose or comply with reasonable standards and regulations to protect and promote health and safety, or to minimize the dangers to those using or who would foreseeably use or be harmed

by the aforesaid chemicals and substances, including the exposed parents;

- e. Motorola intentionally, willfully or with a reckless disregard for the safety of its workers including plaintiffs, failed to fully and properly test and study the aforesaid chemicals and substances to learn of the hazards associated with their use;
- f. Motorola intentionally, willfully or with a reckless disregard for the safety of its workers, including plaintiffs, made express and implied warranties and representations, incorrectly and untruthfully, that the aforesaid chemicals and substances were safe and suitable for use;
- g. Motorola intentionally, willfully or with a reckless disregard for the safety of its workers, including plaintiffs, ignored and concealed from the plaintiffs knowledge that Motorola possessed at all relevant times, of the health hazards of the aforementioned chemicals and substances.

158. Defendant's willful, wanton and intentional misconduct evinces a total, conscious and/or reckless disregard for the life and well-being of the plaintiffs, as well as for the health, well-being and rights of others who used or otherwise came into contact with the aforesaid chemicals or substances.

159. As a direct and proximate result of one or more of the aforesaid wrongful acts of the Defendant, Motorola, the plaintiffs, Marcus LeDeaux, Elizabeth Bryan, Hunter Constant, Tanya Cortez, Sarina Finzer, John Gall, Ray Solarez, Gabriel Ernesto Trevino, Diana Hill, Frank Martinez Valdez III, Jennifer Bernard, Rose Lyko, Tyler Lyko, Enrique Daniel Marin Arballo, Patrick O'Connor Jr., Jason Coar, Mitchell Smith, Monica Elias, Eduardo Romero, Meg Fernandez, Robert Grambort, Summer Johnson, Mariah Gonzalez, Jeremy Hardison, Cheyenne Wright, Sebastian Wright, Serenity Miller, Robert Evan Torrez, Joshua Adams, Kristopher McDonald, Elizabeth Mensing and Nicholas Salazar were severely and permanently injured, and sustained medical bills, severe physical, psychological, and emotional injury and distress, were forced to endure



extensive pain, were deprived of a fair and reasonable opportunity to discover the cause of their injuries any sooner, and moreover, were subjected to permanent and debilitating injuries, and/or suffered severe emotional injury, as a result of the conduct of the Defendant.

WHEREFORE, the Plaintiffs, Marcus LeDeaux, a minor, by his mother and next friend, Lisa LeDeaux; Elizabeth Bryan, a minor, by her father and next friend, George Bryan; Hunter Constant, a minor, by his father and next friend, Brandon Constant; Tanya Cortez; Sarina Finzer, a minor, by her father and next friend, Harlan Finzer; John Gall; Ray Solarez; Gabriel Ernesto Trevino; Diana Hill; Frank Martinez Valdez III; Jennifer Bernard; Rose Lyko; Tyler Lyko; Enrique Daniel Marin Arballo; Patrick O'Connor Jr., a minor, by his mother and next friend, Susan O'Connor; Jason Coar; Mitchell Smith; Monica Elias; Eduardo Romero, a minor, by his father and next friend, Hector Romero; Meg Fernandez, a minor, by her father and next friend Armando Fernandez; Robert Grambort, a minor, by his father and next friend Scott Grambort; Summer Johnson, a minor, by her father and next friend Jerry Johnson; Mariah Gonzalez, a minor, by her mother and next friend Faustina Gonzalez; Jeremy Hardison, a minor, by his father and next friend Eric Hardison; Cheyenne and Sebastian Wright, minors, by their father and next friend Glen Wright; Serenity Miller, a minor, by her mother and next friend Misty Everts; Robert Evan Torrez, a minor, by his father and next friend Robert Torrez; Joshua Adams, a minor, by his mother and next friend Janan Adams; Kristopher McDonald, a minor, by his father and next friend Allen McDonald; Elizabeth Mensing, a minor, by her mother and next friend Angela Mensing; Nicholas Salazar, a minor, by his father and

next friend Gabriel Salazar, request judgment against the Defendant, for a sum in excess of the law division jurisdictional amount and costs of this action.

#### **COUNT IV**

#### **LOSS OF CONSORTIUM**

Now come Plaintiffs, Lisa LeDeaux, Mark LeDeaux, George Bryan, Cynthia Bryan, Brandon Constant, Wendy Constant, Leilani Cortez, Joe Cortez, Harlan Finzer, Sarah Finzer, Mary Mark, Rosa Marin-Arballo, Henry Arballo, Susan O'Connor, Patrick O'Connor, Hector Romero, Alicia Romero, Josie Solarez, Armando Fernandez, Shachico Fernandez, Scott Grambort, Denise Michelle Grambort, Jerry Johnson, Sarah Sulser, Faustina Gonzalez, Eric Hardison, Cheryl Hardison, Glen Wright, Lucy Wright, Vincent Miller, Misty Everts, Robert Torrez, Steven Adams, Janan Adams, Allen McDonald, Mercedes McDonald, Angela Mensing, Gabriel Salazar and Debbie Palacios ("the Parent Plaintiffs") by and through their attorneys Cooney & Conway, Levy Phillips & Konigsberg, LLP, and Thornton & Naumes, LLP, and complaining of defendant, Motorola, allege as follows.

160. As a result of Defendant's foregoing wrongful conduct which caused Marcus LeDeaux's, Elizabeth Bryan's, Hunter Constant's, Tanya Cortez's, Sarina Finzer's, Frank Martinez Valdez III's, Enrique Daniel Marin Arballo's, Patrick O'Connor Jr.'s, Eduardo Romero's, Ray Solarez's, Meg Fernandez's, Robert Grambort's, Summer Johnson's, Mariah Gonzalez's, Jeremy Hardison's, Cheyenne Wright's, Sebastian Wright's, Serenity Miller's, Robert Evan Torrez's, Joshua Adams', Kristopher McDonald's, Elizabeth Mensing's, and Nicholas Salazar's injuries, each of the Parent Plaintiffs sustained the injuries and damages set forth above.

WHEREFORE, the Plaintiffs Lisa LeDeaux, Mark LeDeaux, George Bryan, Cynthia Bryan, Brandon Constant, Wendy Constant, Leilani Cortez, Joe Cortez, Harlan Finzer, Sarah Finzer, Mary Mark, Rosa Marin-Arballo, Henry Arballo, Susan O'Connor, Patrick O'Connor, Hector Romero, Alicia Romero, Josie Solarez, Armando Fernandez, Shachico Fernandez, Scott Grambort, Denise Michelle Grambort, Jerry Johnson, Sarah Sulser, Faustina Gonzalez, Eric Hardison, Cheryl Hardison, Glen Wright, Lucy Wright, Vincent Miller, Misty Everts, Robert Torrez, Steven Adams, Janan Adams, Allen McDonald, Mercedes McDonald, Angela Mensing, Gabriel Salazar and Debbie Palacios request judgment against the Defendant, for a sum in excess of the law division jurisdictional amount and costs of this action.

Respectfully submitted,

Dated: July 23, 2010

  
Cooney & Conway

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