

# Emerging Toxic Torts

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## **Amoco Employee Claims Intentional Exposure To Highly Toxic Fumes**

CHICAGO — An Amoco Oil Co. employee alleges in a July 14 amended complaint that he was intentionally exposed to highly toxic odors, scents, smells, gases, fumes and vapors (Irwin S. Ginsburg v. Amoco Oil Co., et al., No. 98-L-12383, Ill. Cir., Cook Co.).

(Text of Complaint in Section C. Mealey's Document #15-990818-107.)

From 1970 through 1972, Irwin Ginsburg worked at Amoco Research Center Building 503 (ARC-503), where he said he was exposed.

Defendants are Amoco Oil Co., Amoco Research Operating Co., Amoco Corp., Research Properties Inc., Amoco Service Corp., Amoco Oil Research Corp., Amoco Research Corp. and Amoco Chemical Co.

According to the complaint filed in the Illinois Circuit Court for Cook County, the Amoco entities researched, experimented, analyzed, created, investigated, manufactured, designed, packaged, distributed and sold

chemicals, formulations and petroleum products. Ginsburg maintains that during the intentional creation of these chemicals, Amoco knew that chemical reactions would expose employees to odors, scents, smells, gases, fumes and vapors.

### **Claims Asserted**

Ginsburg asserts claims for intentional infliction of emotional distress, battery, nuisance, intentional tort, negligence, strict liability, fraudulent concealment and equitable estoppel.

According to the complaint, the Amoco entities created and maintained a nuisance by (1) creating highly toxic and injurious odors, (2) improperly venting highly toxic and injurious odors, scents, smells, gases, fumes and vapors, (3) failing to warn of the existence of highly toxic odors, (4) intentionally withholding knowledge of the toxic and injurious nature of the air at ARC-503 and (5) consciously choosing to create a toxic environment and consciously choosing not to inform the workers, among other things.

"At the time defendants researched, analyzed, investigated, created, manufactured, designed, installed, distributed, and/or sold ventilation components and/or systems including, but not

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limited to, heating, ventilating, and air conditioning equipment for ARC-503, each knew or should have known that during the creation of these chemical reactions, odors, scents, smells, gases, fumes, and vapors would be created and each of the defendants exposed employees," the complaint alleges.

Counsel for Ginsburg include G. Grant Dixon and Tilden Katz of Corboy & Demetrio in Chicago. Defense counsel include John V. Smith II, Richard William Austin and Scott L. Howie of Pretzel & Stoufer in Chicago. ■