

MAY 19, 2020 07:16 AM

*Angie T. Davis*

Angie T. Davis, Clerk of State Court  
Cobb County, Georgia

IN THE STATE COURT OF COBB COUNTY  
STATE OF GEORGIA

ESSENCE ALEXANDER, ZENOBIA ALEXANDER, )  
EDWIN ATTAH, RAHMELL BOYD, WILLIAM BROOKS, )  
TORWANDA BROWN, LINDA CAPELL, )  
IRISH CHANDLER, SHANARD CHRISTIAN, )  
RAYPHEAL DAVIS, INEISHA L. DIXON, )  
GLORIA EDWARDS, KWAMINA EWUSIE, )  
SASHA GAINES, STEPHANIE GORDON, )  
MARQUITA HUTCHINS, CATRICE CARR as Next Friend of )  
Cierra Jackson, Surviving Child of NICKLEAUS JACKSON, )  
Deceased, JANE DOE 1 as prospective Administrator of )  
the Estate of NICKLEAUS JACKSON, Deceased, )  
CHAD JAMES, JAIR JENKINS, PATRICIA JOHNSON, )  
SANTONIO JOHNSON, LUQUIETTA KING, )  
PORSCHÉ L. KIMBALL, JUSTIN D. LARK, )  
MONIQUE LEE, LINDA LOZIER, CRYSTAL MARCH, )  
FREDERICK MARTINEZ, MICHAEL MCCLUSKY, )  
JEFFERY MCGHEE via CAROL MCGHEE as )  
Power of Attorney, BERNADETH MCMICHEN, )  
IRA MONTGOMERY, TAMECA MONTGOMERY, )  
DANIEL NTIAMOAH-ANIM, DARNELL NESBITT, )  
JOHN OKRAH, DEMARIO OSBIE, COURTNEY LAWSON )  
as Surviving Spouse of JEFONTI PHARMS, Deceased, )  
JANE DOE 2 as prospective Administrator of the Estate of )  
JEFONTI PHARMS, Deceased, ALEXANDRIA PITTMAN, )  
CHRISTINE PULLMAN, L.C. RICKS, CRYSTAL ROYSTER, )  
KENDRA RUSH, QUANTERIUS SNELLING, LEISA STEM, )  
SABRIANA SWAIN, TERESA TOWNSEND, )  
ROBERT VEAL, III, KIARA WELLS, ASASA SONKESAK )  
as Surviving Spouse of JAMES WILLIAMS, Deceased, )  
JANE DOE 3 as prospective Administrator of the Estate of )  
JAMES WILLIAMS, Deceased, THOPHLES WILLIAMS, III, )  
LATORYA ZANDERS-BATES, and PERCY ZIMMERMAN, )  
Plaintiffs, )

vs. )

STERIGENICS U.S., LLC, SOTERA HEALTH, LLC, )  
CONMED CORPORATION, DARYL MOSBY, )  
ELBERT SABB, DONNIE WRIGHT, JUSTIN MILLS, )  
DARIUS ASKEW, ERIKA ARNOLD, PHILLIP MESSNER, )  
JOHN DOES (1-10), and ABC CORPORATIONS (A-Z), )  
Defendants. )

CIVIL ACTION  
FILE NO.:

JURY TRIAL  
DEMANDED

**PLAINTIFFS' COMPLAINT FOR DAMAGES**

COME NOW the PLAINTIFFS in the above-styled action, ESSENCE ALEXANDER, ZENOBIA ALEXANDER, EDWIN ATTAH, RAHMELL BOYD, WILLIAM BROOKS, TORWANDA BROWN, LINDA CAPELL, IRISH CHANDLER, SHANARD CHRISTIAN, RAYPHEAL DAVIS, INEISHA L. DIXON, GLORIA EDWARDS, KWAMINA EWUSIE, SASHA GAINES, STEPHANIE GORDON, MARQUITA HUTCHINS, CATRICE CARR as Next Friend of Cierra Jackson, Surviving Child of NICKLEAUS JACKSON, Deceased, JANE DOE 1 as prospective Administrator of the Estate of NICKLEAUS JACKSON, Deceased, CHAD JAMES, JAIR JENKINS, PATRICIA JOHNSON, SANTONIO JOHNSON, LUQUIETTA KING, PORSCHE L. KIMBALL, JUSTIN D. LARK, MONIQUE LEE, LINDA LOZIER, CRYSTAL MARCH, FREDERICK MARTINEZ, MICHAEL MCCLUSKY, JEFFERY MCGHEE via CAROL MCGHEE as Power of Attorney, BERNADETH MCMICHEN, IRA MONTGOMERY, TAMECA MONTGOMERY, DANIEL NTIAMOAH-ANIM, DARNELL NESBITT, JOHN OKRAH, DEMARIO OSBIE, COURTNEY LAWSON as Surviving Spouse of JEFONTI PHARMS, Deceased, JANE DOE 2 as prospective Administrator of the Estate of JEFONTI PHARMS, Deceased, ALEXANDRIA PITTMAN, CHRISTINE PULLMAN, L.C. RICKS, CRYSTAL ROYSTER, KENDRA RUSH, QUANTERIUS SNELLING, LEISA STEM, SABRIANA SWAIN, TERESA TOWNSEND, ROBERT VEAL, III, KIARA WELLS, ASASA SONKESAK as Surviving Spouse of JAMES WILLIAMS, Deceased, JANE DOE 3 as prospective Administrator of the Estate of JAMES WILLIAMS, Deceased, THOPHLES WILLIAMS, III, LATORYA ZANDERS-BATES, and PERCY ZIMMERMAN, (collectively, "Plaintiffs"), and, by and through undersigned counsel, hereby file Plaintiffs' Complaint for Damages against the above-named Defendants, respectfully showing the Court as follows:

## **I. PARTIES, JURISDICTION, AND VENUE**

1.

Plaintiffs are individuals who were exposed to unsafe levels of the chemical Ethylene Oxide (“EtO”) at the facility of Defendant ConMed Corporation, which received, warehoused, and distributed boxes of items sterilized with EtO by Defendants Sterigenics U.S., LLC and Sotera Health, LLC; or, when specified herein, certain of the Plaintiffs are suing (1) individually or as next friend to recover for the wrongful death of their respective spouse or parent due to EtO exposure, (2) in their capacity as power of attorney to recover on behalf of an individual injured through EtO exposure, or (3) on behalf of the estate of an individual who was injured through exposure to EtO. Plaintiffs are residents of Georgia and consent to the jurisdiction of this Court.

2.

Plaintiffs bring the above-styled action against Defendants STERIGENICS U.S., LLC, SOTERA HEALTH, LLC, CONMED CORPORATION, DARYL MOSBY, ELBERT SABB, DONNIE WRIGHT, JUSTIN MILLS, DARIUS ASKEW, ERIKA ARNOLD, PHILLIP MESSNER, JOHN DOES (1-10), and ABC CORPORATIONS (A-Z) (collectively, “Defendants”).

3.

Sterigenics U.S., LLC, has at all relevant times operated a facility in Cobb County, Georgia, that sterilized medical equipment using the chemical Ethylene Oxide (“EtO”).

4.

Defendant Sotera Health, LLC, is the parent company of Sterigenics U.S., LLC. Defendants Sterigenics U.S., LLC and Sotera Health, LLC will at times be referred to collectively herein as “Sterigenics”.

5.

Sotera Health, LLC, jointly with or by and through Sterigenics U.S., LLC, has at all relevant times operated a facility in Cobb County, Georgia, that sterilized medical equipment using the chemical EtO.

6.

A substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Sterigenics U.S., LLC, and Sotera Health, LLC.

7.

Defendant Sterigenics U.S., LLC, currently does business in the State of Georgia.

8.

Defendant Sterigenics U.S., LLC, was doing business in the State of Georgia at all times relevant to this Complaint.

9.

Currently and at all times relevant to this Complaint, Defendant Sotera Health, LLC has conducted business in the State of Georgia.

10.

Currently and at all times relevant to this Complaint, Defendant Sotera Health, LLC has conducted business in the State of Georgia by and through Sterigenics U.S., LLC.

11.

Defendant Sterigenics U.S., LLC, is a foreign limited liability company that is registered to do business in the State of Georgia.

12.

Defendant Sterigenics U.S., LLC, Defendant may be served through its local registered agent, Corporation Service Company, at 40 Technology Parkway South, Suite 300, Norcross, Georgia, 30092.

13.

Jurisdiction is proper in this Court as to Defendant Sterigenics U.S., LLC, because said Defendant does business in the State of Georgia.

14.

Jurisdiction is proper in this Court as to Defendant Sterigenics U.S., LLC, because said Defendant has a registered agent for service in the State of Georgia.

15.

Pursuant to O.C.G.A. § 9-10-93, venue is proper in this Court as to Defendant Sterigenics because a substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Sterigenics U.S., LLC.

16.

Defendant Sotera Health, LLC, is a foreign limited liability company.

17.

Defendant Sotera Health, LLC, may be served through its registered agent, Corporation Service Company, at 50 West Broad Street, Suite 1330, Columbus, Ohio 43215.

18.

Defendant Daryl Mosby is a resident of the State of Georgia.

19.

At all times relevant to this Complaint, Defendant Daryl Mosby was a high-level supervisor and manager employed by Sterigenics, in Cobb County.

20.

At all times relevant to this Complaint, Defendant Daryl Mosby was an employee or agent of Sterigenics, in Cobb County.

21.

Defendant Daryl Mosby, through his employment with Sterigenics, was responsible for the operation, management, and/or control of the Sterigenics facility located in Cobb County, Georgia, including said facility's handling of EtO.

22.

Defendant Daryl Mosby is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein and are named as co-Defendants in this action.

23.

Defendant Daryl Mosby can be personally served at his address at 302 Wynfield Drive, Tyrone, Georgia 30290-1546 in Fayette County.

24.

In the alternative, Defendant Daryl Mosby can be served at his place of employment at the following address: 2973 Olympic Industrial Dr. SE, Atlanta, Georgia, 30339, in Cobb County.

25.

Jurisdiction is proper in this Court as to Defendant Daryl Mosby because he is a resident of the State of Georgia and can be served with process in Georgia.

26.

Pursuant to Paragraph IV of Section II of Article VI of the Georgia Constitution and O.C.G.A. §§ 9-10-31 and 9-10-93, venue is proper in this Court as to Defendant Daryl Mosby because (1) a substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Defendants Sterigenics U.S., LLC and Sotera Health, LLC; and (2) said Defendant is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as co-Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein.

27.

Upon information and belief, Defendant Elbert Sabb is a resident of the State of Georgia. Upon information and belief Defendant Elbert Sabb can be personally served at his address at 200 Eagles Flt, Villa Rica GA 30180 in Douglas County.

28.

At all times relevant to this Complaint, Defendant Elbert Sabb was a high-level supervisor and manager employed by Sterigenics, in Cobb County.

29.

At all times relevant to this Complaint, Defendant Elbert Sabb was an employee or agent of Sterigenics, in Cobb County.

30.

Defendant Elbert Sabb, through his employment with Sterigenics, was responsible for the operation, management, and/or control of the Sterigenics facility located in Cobb County, Georgia, including said facility's handling of EtO.

31.

Defendant Elbert Sabb is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein and are named as co-Defendants in this action.

32.

Defendant Elbert Sabb can be personally served at his place of employment at 2973 Olympic Industrial Dr. SE, Atlanta, Georgia, 30339, in Cobb County.

33.

Jurisdiction is proper in this Court as to Defendant Elbert Sabb because he is a resident of the State of Georgia and can be served with process in Georgia.

34.

Pursuant to Paragraph IV of Section II of Article VI of the Georgia Constitution and O.C.G.A. §§ 9-10-31 and 9-10-93, venue is proper in this Court as to Defendant Elbert Sabb because (1) a substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Defendants Sterigenics U.S., LLC and Sotera Health, LLC; and (2) said Defendant is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant



in this action, as well as co-Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein.

35.

Upon information and belief, Defendant Donnie Wright is a resident of the State of Georgia.

36.

At all times relevant to this Complaint, Defendant Donnie Wright was a high-level supervisor and manager employed by Sterigenics, in Cobb County.

37.

At all times relevant to this Complaint, Defendant Donnie Wright was an employee or agent of Sterigenics, in Cobb County.

38.

Defendant Donnie Wright, pursuant to and through his employment with Sterigenics, was responsible for the operation, management, and/or control of the Sterigenics facility located in Cobb County, Georgia, including said facility's handling of EtO.

39.

Defendant Donnie Wright, through his employment with Sterigenics, transacted business within this state, engaged in a persistent course of conduct within this state, and committed a tortious injury to the Plaintiffs in this state that was caused by an act or omission outside this state through said Defendant's operation, management, and/or control of the Sterigenics facility located in Cobb County, Georgia.

40.

Defendant Donnie Wright is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein and are named as co-Defendants in this action.

41.

Upon information and belief, Defendant Donnie Wright can be personally served at his place of employment in Cobb County, at 2971 Olympic Industrial Drive, Smyrna, Georgia 30080.

42.

Jurisdiction is proper in this Court as to Defendant Donnie Wright because he is a resident of the State of Georgia. In the alternative, jurisdiction is proper as to said Defendant personally or through said Defendant who transacted business within this state, engaged in a persistent course of conduct within this state, and committed a tortious injury to the Plaintiffs in this state that was caused by an act or omission through said Defendant's operation, management, and/or control of the Sterigenics facility located in Cobb County, Georgia.

43.

Pursuant to O.C.G.A. § 9-10-93, venue is proper in this Court as to Donnie Wright because a substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Defendant Sterigenics U.S., LLC.

44.

Defendants Daryl Mosby, Elbert Sabb, and Donnie Wright will be referred to collectively herein as "Sterigenics Managers".

45.

Defendant ConMed Corporation operates a facility in Georgia that distributed sterilized medical equipment using Ethylene Oxide (“EtO”) as received from Defendant Sterigenics.

46.

Defendant ConMed Corporation is a domestic corporation doing business and registered to do business in the State of Georgia.

47.

Defendant ConMed Corporation is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein and are named as co-Defendants in this action.

48.

Defendant ConMed Corporation can be served through its registered agent, CT Corporation, at 298 S. Culver Street, Lawrenceville, Georgia 30046.

49.

Jurisdiction is proper in this Court as to Defendant ConMed Corporation because said Defendant is a domestic corporation registered to do business in the State of Georgia.

50.

Pursuant to Paragraph IV of Section II of Article VI of the Georgia Constitution and O.C.G.A. §§ 9-10-31 and 9-10-93, venue is proper in this Court as to Defendant ConMed Corporation because (1) a substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Defendants Sterigenics U.S., LLC and Sotera Health, LLC; and (2)

said Defendant is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as co-Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein.

51.

Defendant Justin Mills is a resident of the State of Georgia.

52.

Defendant Justin Mills is high-level supervisor and manager employed by ConMed Corporation.

53.

Defendant Justin Mills is an employee and/or agent of ConMed Corporation.

54.

Defendant Justin Mills is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein and are named as co-Defendants in this action.

55.

Defendant Justin Mills can be served at his residence at 305 Sky High Trail, Canton, Georgia 30114-5174, in Cherokee County. In the alternative, Defendant Justin Mills can be served at his place of employment at 1250 Terminus Drive, Building 100, Lithia Springs, Georgia 30122.

56.

Jurisdiction in this Court is proper as to Defendant Justin Mills because said Defendant is a resident of the State of Georgia.

57.

Pursuant to Paragraph IV of Section II of Article VI of the Georgia Constitution and O.C.G.A. §§ 9-10-31 and 9-10-93, venue is proper in this Court as to Defendant Justin Mills because (1) a substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Defendants Sterigenics U.S., LLC and Sotera Health, LLC; and (2) said Defendant is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as co-Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein.

58.

Defendant Darius Askew is a resident of the State of Georgia.

59.

Defendant Darius Askew is high-level supervisor and manager employed by ConMed Corporation.

60.

Defendant Darius Askew is an employee and/or agent of ConMed Corporation.

61.

Defendant Darius Askew is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as Defendants Sterigenics U.S., LLC and Sotera

Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein and are named as co-Defendants in this action.

62.

Defendant Darius Askew can be served at his residence at 3101 Howell Mill Road NW, Unit 311, Atlanta, Georgia 30327-2122 in Fulton County. In the alternative, Defendant Darius Askew can be served at his place of employment at 1250 Terminus Drive, Building 100, Lithia Springs, Georgia 30122.

63.

Jurisdiction in this Court is proper as to Defendant Darius Askew because said Defendant is a resident of the State of Georgia.

64.

Pursuant to Paragraph IV of Section II of Article VI of the Georgia Constitution and O.C.G.A. §§ 9-10-31 and 9-10-93, venue is proper in this Court as to Defendant Darius Askew because (1) a substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Defendants Sterigenics U.S., LLC and Sotera Health, LLC; and (2) said Defendant is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as co-Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein.

65.

Defendant Erika Arnold is a resident of Cobb County in the State of Georgia.

66.

Defendant Erika Arnold is high-level supervisor and manager employed by ConMed Corporation.

67.

Defendant Erika Arnold is an employee and/or agent of ConMed Corporation.

68.

Defendant Erika Arnold is a joint-tortfeasor with the other Defendants named in this action in causing the injuries and damages to the Plaintiffs alleged herein.

69.

Defendant Erika Arnold can be served at her at residence at 6677 Malvin Drive, Austell, Georgia 30168-5623 in Cobb County. In the alternative, Defendant Erika Arnold can be served at her place of employment at 1250 Terminus Drive, Building 100, Lithia Springs, Georgia 30122.

70.

Jurisdiction in this Court is proper as to Defendant Erika Arnold because said Defendant is a resident of the State of Georgia.

71.

Venue is proper in this Court as to Defendant Erika Arnold because she is a resident of Cobb County, Georgia.

72.

Defendant Phillip Messner is a resident of the State of Georgia.

73.

Defendant Phillip Messner is high-level supervisor and manager employed by ConMed Corporation.

74.

Defendant Phillip Messner is an employee and/or agent of ConMed Corporation.

75.

Defendant Phillip Messner is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein and are named as co-Defendants in this action.

76.

Defendant Phillip Messner can be served at his residence at 4024 Golfview Drive, Villa Rica, Georgia 30180-8032 in Carroll County. In the alternative, Defendant Phillip Messner can be served at his place of employment at 1250 Terminus Drive, Building 100, Lithia Springs, Georgia 30122.

77.

Jurisdiction in this Court is proper as to Defendant Phillip Messner because said Defendant is a resident of the State of Georgia.

78.

Pursuant to Paragraph IV of Section II of Article VI of the Georgia Constitution and O.C.G.A. §§ 9-10-31 and 9-10-93, venue is proper in this Court as to Defendant Phillip Messner because (1) a substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Defendants Sterigenics U.S., LLC and Sotera Health, LLC; and (2) said Defendant is a joint-tortfeasor with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant



in this action, as well as co-Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein.

79.

Defendants Justin Mills, Darius Askew, Erika Arnold, and Phillip Messner will be referred to herein collectively as “ConMed Managers”.

80.

Defendants ABC Corporations (A-Z) and John Does (1-10) are entities and individuals whose true names or capacities are unknown to Plaintiffs, and, therefore, therefore sues said Defendants by such fictitious names. Plaintiffs will amend the Complaint to show said Defendants’ true names when such have been ascertained.

81.

Plaintiffs allege that Defendants ABC Corporations (A-Z) owned, controlled, operated, and/or managed the Sterigenics facility in Cobb County, Georgia, or the ConMed facility in Lithia Springs, Georgia, or they made decisions that affected these facilities, including but not limited to decisions that affected the handling of EtO at these facilities.

82.

Plaintiffs allege that Defendants John Does (1-10), at all times relevant to this Complaint, were employees, actual agents, officers, and/or apparent agents of the Sterigenics Defendants or ConMed. Defendants John Does (1-10) were acting incident to and within the course and scope of their employment or agency with said Defendants. Defendants John Does (1-10) owned, controlled, operated, managed and/or worked at the Sterigenics facility in Cobb County, Georgia, or the ConMed facility in Lithia Springs, Georgia, or they made decisions that affected these facilities, including but not limited to decisions that affected the handling of EtO at these facilities.

83.

Jurisdiction is proper in this Court as to Defendants John Does (1-10), as said Defendants are residents of the State of Georgia. In the alternative, jurisdiction is proper as to Defendants John Does (1-10) pursuant to O.C.G.A. § 9-10-91, as said Defendants, individually and/or through their agents and/or employees, transacted business within this state, engaged in a persistent course of conduct within this state, and committed a tortious injury Plaintiffs in this state caused by an act or omission outside this state through said Defendants' acts or omissions affected the handling of EtO at the Sterigenics facility in Cobb County, Georgia, or the ConMed facility in Lithia Springs, Georgia.

84.

Venue is proper in this Court as to Defendants John Does (1-10) pursuant to O.C.G.A. § 9-10-31, as a substantial part of the tortious injury alleged herein occurred in Cobb County, Georgia, as (1) a substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Defendants Sterigenics U.S., LLC and Sotera Health, LLC; and (2) said Defendants are joint-tortfeasors with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as co-Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein. In the alternative, jurisdiction is proper in this Court because John Does (1-10) are residents of Cobb County, Georgia.

85.

Jurisdiction is proper in this Court as to Defendants ABC Corporations (A-Z), as said Defendants are domestic corporate entities and/or are registered to do business in the State of Georgia. In the alternative, jurisdiction is proper as to Defendants ABC Corporations (A-Z)

pursuant to O.C.G.A. § 9-10-91, as said Defendants, themselves and/or through their agents and/or employees, transacted business within this state, engaged in a persistent course of conduct within this state, and committed a tortious injury Plaintiffs in this state caused by an act or omission outside this state through said Defendants' acts or omissions affected the handling of EtO at the Sterigenics facility in Cobb County, Georgia, or the ConMed facility in Lithia Springs, Georgia.

86.

Venue is proper in this Court as to Defendants ABC Corporations (A-Z), as their principal offices or registered agents are located in Cobb County, Georgia. In the alternative, venue is proper in this Court as to ABC Corporations (A-Z) pursuant to O.C.G.A. § 9-10-93, as (1) a substantial part of the tortious injury alleged herein occurred at the Cobb County facility operated by Defendants Sterigenics U.S., LLC and Sotera Health, LLC; and (2) said Defendants are joint-tortfeasors with the other Defendants named in this action, including but not limited to Defendant Erika Arnold, who is a resident of Cobb County and named as a co-Defendant in this action, as well as co-Defendants Sterigenics U.S., LLC and Sotera Health, LLC, which are subject to suit in Cobb County for the acts and omissions described herein.

87.

Plaintiff JANE DOE 1 is prospective Administrator of the Estate of NICKLEAUS JACKSON, Deceased, who sues under a fictitious name because, on information and belief, no administrator has been appointed as to the Estate of NICKLEAUS JACKSON, and, therefore, the identity of said administrator is currently unknown. Plaintiffs will substitute the duly appointed Administrator of the Estate of NICKLEAUS JACKSON for JANE DOE 1 when such an administrator has been duly appointed.

88.

Plaintiff JANE DOE 2 is prospective Administrator of the Estate of JEFONTI PHARMS, Deceased, who sues under a fictitious name because, on information and belief, no administrator has been appointed as to the Estate of JEFONTI PHARMS, and, therefore, the identity of said administrator is currently unknown. Plaintiffs will substitute the duly appointed Administrator of the Estate of JEFONTI PHARMS for JANE DOE 2 when such an administrator has been duly appointed.

89.

Plaintiff JANE DOE 3 is prospective Administrator of the Estate of JAMES WILLIAMS, Deceased, who sues under a fictitious name because, on information and belief, no administrator has been appointed as to the Estate of JAMES WILLIAMS, and, therefore, the identity of said administrator is currently unknown. Plaintiffs will substitute the duly appointed Administrator of the Estate of JAMES WILLIAMS for JANE DOE 3 when such an administrator has been duly appointed.

## **II. FACTUAL ALLEGATIONS**

90.

Plaintiffs re-allege and incorporate by reference the preceding paragraphs of this Complaint as if the same were fully set forth herein verbatim.

91.

Plaintiffs are individuals who were exposed to unsafe levels of the chemical Ethylene Oxide (“EtO”) at the facility of Defendant ConMed Corporation (“ConMed”), which received, warehoused, and distributed boxes of items sterilized with EtO by Defendants Sterigenics U.S., LLC and Sotera Health, LLC; or, when specified herein, certain of the Plaintiffs are suing (1)

individually or as next friend to recover for the wrongful death of their respective spouse or parent due to EtO exposure, (2) in their capacity as power of attorney to recover on behalf of an individual injured through EtO exposure, or (3) on behalf of the estate of an individual who was injured through exposure to EtO. Plaintiffs are residents of Georgia and consent to the jurisdiction of this Court.

92.

At all times relevant hereto, Sterigenics U.S., LLC, and Defendant Sotera Health, LLC (collectively, “Sterigenics”), along with ABC Corporation A-Z and John Does (1-10), operated an Ethylene Oxide sterilization facility on Olympic Industrial Drive in Smyrna, Cobb County, Georgia.

93.

Sterigenics shipped boxed items sterilized by EtO to a ConMed, which received, warehoused, and distributed such items.

94.

The safe process of EtO sterilization requires a series of steps to aerate or “dry out” items being sterilized so that EtO off-gasses and the residual EtO reaches acceptable limits.

95.

It was the responsibility of the Sterigenics Defendants, as well as the responsibility of Defendants Daryl Mosby, Elbert Sabb, and Donnie Wright (collectively, “Sterigenics Managers”), ABC Corporations (A-Z), and John Does (1-10), to ensure that items were properly aerated or “dried out” before items left their facility.

96.

The Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) negligently failed to remove EtO residue from items containing EtO and failed to monitor the safety levels of such items before shipping such items to ConMed.

97.

The Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) negligently failed to follow safe aeration procedures and prematurely shipped unsafe sterilized items saturated with EtO with unsafe EtO levels to ConMed.

98.

The Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) negligently shipped wet and hazardous materials in unmarked and non-equipped trucks, which was unsafe due to the poisonous, hazardous, and explosive nature of EtO.

99.

The Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) negligently—and with conscious indifference to the consequences of their actions—allowed shipments to leave the Sterigenics facility without following proper protocol and practices to ensure safety of those who would interact with EtO-laden packages.

100.

The Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) have known since the 1970s that high levels of exposure to EtO causes harm, injury, and death.

101.

The Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) knew or should have known that allowing shipments to leave the Sterigenics facility without following proper protocol and practices to ensure safety of those who would interact with unsafe levels of EtO-laden packages would cause harm, injury or death to the Plaintiffs, as well as others in the community.

102.

During the time period from approximately 2010 through April 26, 2019, ConMed Corporation, along with Defendants Justin Mills, Darius Askew, Erika Arnold, and Phillip Messner (collectively, “ConMed Managers”), ABC Corporations (A-Z), and John Does (1-10) knowingly exposed Plaintiffs to unsafe and persistent levels of EtO without informing Plaintiffs of the likelihood they would be exposed to EtO.

103.

During the time period from approximately 2010 through April 26, 2019, ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) had or should have had knowledge that EtO levels at the Lithia Springs facility at times exceeded permissible exposure limits set by national and international standards.

104.

During the time period from approximately 2010 through April 26, 2019, ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) had a duty to inform Plaintiffs that Ethylene Oxide levels at the Lithia Springs facility at times exceeded permissible exposure limits set by national and international standards but refused to do so causing injury, harm, and or death to Plaintiffs.

105.

After April 26, 2019, ConMed, ABC Corporations (A-Z), John Does (1-10), and the ConMed Managers, including but not limited to Defendant Justin Mills at the Lithia Springs facility, gave verbal and express reassurance to Plaintiffs that they had nothing to fear about the Ethylene Oxide levels now known to be in the Lithia Springs facility, falsely stating the Ethylene Oxide levels were safe levels. This representation was made with fraudulent intent and a total disregard for the consequences of said Defendants' actions.

106.

After Plaintiffs learned they had been unwittingly exposed to high levels of EtO, Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10)—with fraudulent intent and a total disregard for the consequences of their actions—encouraged a private physician who consulted by way of Skype with individual Plaintiffs who were accompanied by a ConMed consultant, to reassure the Plaintiffs that they had nothing to worry about regarding exposure to Ethylene Oxide in the facility.

107.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) knowingly allowed items it knew were sterilized by EtO and not safe to be shipped into the warehouse where Plaintiffs were exposed to off-gassing EtO residuals at levels unsafe for human inhalation and exposure.

108.

With fraudulent intent and total disregard for the consequences of their actions, Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) coordinated



directly with Sterigenics and Sterigenics Managers to expose unwitting Plaintiffs to unsafe levels of residual EtO.

109.

During the time period from approximately 2010 through at least April 26, 2019, Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) knowingly failed to post the required Material Safety Data Sheet or Safety Data Sheet on EtO which prevented Plaintiffs from making an informed decision as to whether they wanted to be in hazardous and dangerous conditions.

110.

During the time period from approximately 2010 through at least April 26, 2019, Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) knowingly failed to protect Plaintiffs from EtO.

111.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) failed to provide proper Personal Protective Equipment (PPE) to its employees.

112.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10)'s intentional and malicious acts of misrepresentation by omission to not inform unwitting Plaintiffs they would be, were, or had been falsely detained with Ethylene Oxide does not meet the legal condition that the injury must arise out of and in the course of employment, thus making the exclusive remedy defense unavailable. Either affirmative or by-omission misrepresentation happened to every one of the Plaintiffs before they accepted employment at ConMed, during their unwitting exposure to EtO, and after.

113.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) misrepresented the level and duration of the EtO exposure to Plaintiffs' healthcare providers when they sought treatment and upon information and belief made the same fraudulent, false, and misleading misrepresentations to the Medical Toxicology doctors and team at Grady Hospital, to others, and to OSHA, thus intentionally and egregiously exacerbating the harm and or intentionally inflicting emotional distress in a non-work environment, breaking the legal condition for a Workers Compensation covered injury that the injury must arise out of and in the course of employment, and or Plaintiffs' injuries arose for reasons personal to them, making the exclusive remedy defense unavailable.

114.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) perpetrated fraud upon the Plaintiffs by failing to advise of EtO presence in Plaintiffs' direct work environment for some period of time exposing them to EtO levels greater than allowed, and then by fraudulently mispresenting the health dangers from the carcinogen EtO after prolonged periods of such exposure.

115.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) perpetrated further acts of fraud by tampering with EtO detection monitors required by OSHA by removing the detection monitors from the Lithia Springs facility to fraudulently manipulate the readings.

116.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) are not entitled to the exclusive remedy defense because “the alleged torts did not arise out of or in the course of her employment, but rather from the intentional misconduct of the employer after the physical injuries which gave rise to the workers’ compensation claim” and “exemplary damages for fraud are not within the power of the Workers’ Compensation Board to award”.

### **III. CAUSES OF ACTION**

#### **CAUSES OF ACTION AGAINST THE STERIGENICS DEFENDANTS, THE STERIGENICS MANAGERS, ABC CORPORATIONS (A-Z) & JOHN DOES (1-10)**

117.

Plaintiffs re-allege and incorporate by reference the preceding paragraphs of this Complaint as if the same were fully set forth herein verbatim.

118.

The Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) negligently and unlawfully exposed Plaintiffs to unsafe levels of EtO, breaching the duties of ordinary care they owed to Plaintiffs and causing Plaintiffs to suffer serious personal injuries and damages, including but not limited to special damages, medical expenses and lost wages, as well as general damages, including physical and mental pain and suffering, and the other injuries and damages described below.

119.

The agents and employees of the Sterigenics Defendants and ABC Corporations (A-Z), including but not limited to the Sterigenics Managers and John Does (1-10), negligently and unlawfully exposed Plaintiffs to unsafe levels of EtO, breaching the duties of ordinary care they owed to Plaintiffs and causing Plaintiffs to suffer serious personal injuries and damages, including

special damages, medical expenses and lost wages, as well as general damages, including physical and mental pain and suffering.

120.

The Sterigenics Defendants and ABC Corporations (A-Z) are liable for the negligence of Sterigenics Managers and John Does (1-10) by reason of the doctrine of *respondeat superior*.

121.

The Sterigenics Defendants and ABC Corporations (A-Z) are liable for the negligence of their other agents and employees by reason of the doctrine of *respondeat superior*.

122.

The Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) are liable to Plaintiffs for all damages and injuries caused by exposure to unsafe levels of EtO.

123.

The Sterigenics Defendants and ABC Corporations (A-Z) were negligent in the hiring, training, supervision, and retention of the Sterigenics Managers, John Does (1-10), and other agents and employees of the Sterigenics Defendants and ABC Corporations (A-Z).

124.

Plaintiffs intend to present medical evidence at trial that the exposures suffered by Plaintiffs to unsafe and unlawful EtO levels, caused by the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10), is a direct and proximate cause of the following medical conditions: cancer, tumors, increased risk and / or fear of cancer, death, respiratory, pulmonary, epidermal, hematological, cardiological, neurological, and all such other conditions to be proven at trial.

125.

That Plaintiffs were without fault in causing the aforementioned injures.

126.

That as a direct and proximate result of the actions and inactions of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10), Plaintiffs suffered injury, harm to human health, and or, death, and will continue to suffer personal injuries in the future, including bodily injury, pain, and mental suffering.

127.

As a direct and proximate result of the negligence of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10), Plaintiffs incurred medical expenses, in an amount to be proven at trial, for the treatment of the injuries.

128.

As a direct and proximate result of the negligence of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10), Plaintiffs will incur future medical expenses, in an amount to be proven at trial.

129.

As a direct and proximate result of the negligence of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10), Plaintiffs have incurred past lost wages and will incur future lost wages, in an amount to be proven at trial.

130.

By allowing shipments to leave the Sterigenics facility without being properly aerated and containing volatile “wet” EtO, the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) showed that entire want of care and conscious

indifference to the consequences of their actions in violation of O.C.G.A. 51-12-5.1 to allow for the imposition of punitive damages in an amount authorized by the jury.

131.

During the time period from approximately 2010 through at least April 26, 2019, the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) knowingly failed to protect Plaintiffs from harmful and excessive exposure to EtO.

132.

By prematurely shipping EtO laden items that were not properly aerated or dried out during the time period from approximately 2010 through at least April 26, 2019, the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) knowingly selected profit over protecting Plaintiffs from harmful and excessive exposure to EtO.

133.

In specification and not in limitation, CATRICE CARR as Next Friend, Parent, and Natural Guardian of Cierra Jackson, Surviving Child of NICKLEAUS JACKSON, Deceased, seeks to recover the full value of the life of NICKLEAUS JACKSON, Deceased, as compensation for his wrongful death resulting from the negligence and intentional malfeasance of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10), and JANE DOE 1 as prospective Administrator of the Estate of NICKLEAUS JACKSON, Deceased, seeks to recover for the pain and suffering, medical expenses, special damages, and funeral costs of NICKLEAUS JACKSON resulting from the negligence and intentional malfeasance of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10).

134.

In specification and not in limitation, COURTNEY LAWSON as Surviving Spouse of JEFONTI PHARMS, Deceased, seeks to recover the full value of the life of JEFONTI PHARMS, Deceased, as compensation for his wrongful death resulting from the negligence and intentional malfeasance of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10), and JANE DOE 2 as prospective Administrator of the Estate of JEFONTI PHARMS, Deceased, seeks to recover for the pain and suffering, medical expenses, special damages, and funeral costs of JEFONTI PHARMS resulting from the negligence and intentional malfeasance of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10), and punitive damages.

135.

In specification and not in limitation, ASASA SONKESAK as Surviving Spouse of JAMES WILLIAMS, Deceased, seeks to recover the full value of the life of JAMES WILLIAMS, Deceased, as compensation for his wrongful death resulting from the negligence and intentional malfeasance of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) as described herein, and JANE DOE 3 as prospective Administrator of the Estate of JAMES WILLIAMS, Deceased, seeks to recover for the pain and suffering, medical expenses, special damages, and funeral costs of JAMES WILLIAMS resulting from the negligence and intentional malfeasance of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) as described herein, and punitive damages.

136.

In specification and not in limitation, JEFFERY MCGHEE, through his power of attorney CAROL MCGHEE, seeks to recover for personal injuries and related damages resulting from the

negligence and intentional malfeasance of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) as described herein, including but not limited to past and future medical costs and expenses, which continue to accrue in an amount to be proven at trial, special damages, and general damages, including but not limited to physical and mental pain and suffering and permanent injury and bodily impairment, and punitive damages.

137.

With the qualifications noted in the four paragraphs directly proceeding the instant paragraph describing the claims and capacities of Catrice Carr, Courtney Lawson, and Asasa Sonkesak, and Jeffery McGhee, the remaining Plaintiffs named in the caption of the above-styled case seek to recover individually for their personal injuries and damages resulting from the negligence and intentional malfeasance of the Sterigenics Defendants, the Sterigenics Managers, ABC Corporations (A-Z), and John Does (1-10) as described herein, including but not limited to past and future medical costs and expenses, which continue to accrue in an amount to be proven at trial, special damages, and general damages, including but not limited to physical and mental pain and suffering and permanent injury and bodily impairment, and punitive damages.

**CAUSES OF ACTION AGAINST CONMED, THE CONMED MANAGERS,  
ABC CORPORATIONS (A-Z) & JOHN DOES (1-10)**

138.

Plaintiffs re-allege and incorporate by reference the preceding paragraphs of this Complaint as if the same were fully set forth herein verbatim.

139.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) negligently and unlawfully exposed Plaintiffs to unsafe levels of EtO, breaching the duties of ordinary care they owed to Plaintiffs and causing Plaintiffs to suffer serious personal injuries and



damages, including but not limited to special damages, medical expenses and lost wages, as well as general damages, including physical and mental pain and suffering, and the other injuries and damages described below.

140.

The agents and employees of Defendant ConMed and ABC Corporations (A-Z), including but not limited to the ConMed Managers and John Does (1-10), negligently and unlawfully exposed Plaintiffs to unsafe levels of EtO, breaching the duties of ordinary care they owed to Plaintiffs and causing Plaintiffs to suffer serious personal injuries and damages, including special damages, medical expenses and lost wages, as well as general damages, including physical and mental pain and suffering.

141.

Defendant ConMed and ABC Corporations (A-Z) are liable for the negligence of the ConMed Managers and John Does (1-10) by reason of the doctrine of *respondeat superior*.

142.

Defendant ConMed and ABC Corporations (A-Z) are liable for the negligence of their other agents and employees by reason of the doctrine of *respondeat superior*.

143.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) are liable to Plaintiffs for all damages and injuries caused by exposure to unsafe levels of EtO.

144.

Defendant ConMed and ABC Corporations (A-Z) were negligent in the hiring, training, supervision, and retention of the ConMed Managers and other agents and employees of Defendant ConMed.

145.

Plaintiffs intend to present medical evidence at trial that the exposures suffered by Plaintiffs to unsafe and unlawful EtO levels, caused by Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10), is a direct and proximate cause of the following medical conditions: cancer, tumors, increased risk and / or fear of cancer, death, respiratory, pulmonary, epidermal, hematological, cardiological, neurological, and all such other conditions to be proven at trial.

146.

That Plaintiffs were without fault in causing the aforementioned injures.

147.

That as a direct and proximate result of the actions and inactions of Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10), Plaintiffs suffered injury, harm to human health, and or, death, and will continue to suffer personal injuries in the future, including bodily injury, pain, and mental suffering.

148.

As a direct and proximate result of the negligence of Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10), Plaintiffs incurred medical expenses, in an amount to be proven at trial, for the treatment of the injuries.

149.

As a direct and proximate result of the negligence of Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10), Plaintiffs will incur future medical expenses, in an amount to be proven at trial.

150.

As a direct and proximate result of the negligence of Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10), Plaintiffs have incurred past lost wages and will incur future lost wages, in an amount to be proven at trial.

151.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) are liable to Plaintiffs for intentionally exposing Plaintiffs to EtO without their knowledge or consent and using fraud to conceal and cover up the existence and danger of EtO.

152.

Defendant ConMed and ABC Corporations (A-Z) are liable for the fraud of the ConMed Managers and John Does (1-10) by virtue of the doctrine of *respondeat superior*.

153.

Defendants ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) acted with conscious indifference to the consequences of their actions by defrauding Plaintiffs such that the imposition of punitive damages pursuant to O.C.G.A. § 51-12-5.1 is authorized.

154.

In specification and not in limitation, CATRICE CARR as Next Friend, Parent, and Natural Guardian of Cierra Jackson, Surviving Child of NICKLEAUS JACKSON, Deceased, seeks to recover the full value of the life of NICKLEAUS JACKSON, Deceased, as compensation for his wrongful death resulting from the negligence and intentional malfeasance of ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10), and JANE DOE 1 as prospective Administrator of the Estate of NICKLEAUS JACKSON, Deceased, seeks to recover for the pain and suffering, medical expenses, special damages, and funeral costs of NICKLEAUS

JACKSON resulting from the negligence and intentional malfeasance of ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10).

155.

In specification and not in limitation, COURTNEY LAWSON as Surviving Spouse of JEFONTI PHARMS, Deceased, seeks to recover the full value of the life of JEFONTI PHARMS, Deceased, as compensation for his wrongful death resulting from the negligence and intentional malfeasance of the Defendant ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) as described herein, and JANE DOE 2 as prospective Administrator of the Estate of JEFONTI PHARMS, Deceased, seeks to recover for the pain and suffering, medical expenses, special damages, and funeral costs of JEFONTI PHARMS resulting from the negligence and intentional malfeasance of the Defendant ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) as described herein, and punitive damages.

156.

In specification and not in limitation, ASASA SONKESAK as Surviving Spouse of JAMES WILLIAMS, Deceased, seeks to recover the full value of the life of JAMES WILLIAMS, Deceased, as compensation for his wrongful death resulting from the negligence and intentional malfeasance of the Defendant ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) as described herein, and JANE DOE 3 as prospective Administrator of the Estate of JAMES WILLIAMS, Deceased, seeks to recover for the pain and suffering, medical expenses, special damages, and funeral costs of JAMES WILLIAMS resulting from the negligence and intentional malfeasance of the Defendant ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) as described herein, and punitive damages.

157.

In specification and not in limitation, JEFFERY MCGHEE, through his power of attorney CAROL MCGHEE, seeks to recover for personal injuries and related damages resulting from the negligence and intentional malfeasance of the Defendant ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) as described herein, including past and future medical costs and expenses, which continue to accrue in an amount to be proven at trial, special damages, and general damages, including but not limited to physical and mental pain and suffering and permanent injury and bodily impairment, and punitive damages.

158.

With the qualifications noted in the four paragraphs directly proceeding the instant paragraph describing the claims and capacities of Catrice Carr, Courtney Lawson, and Asasa Sonkesak, and Jeffery McGhee, the remaining Plaintiffs named in the caption of the above-styled case seek to recover individually for their personal injuries and damages resulting from the negligence and intentional malfeasance of the Defendant ConMed, the ConMed Managers, ABC Corporations (A-Z), and John Does (1-10) as described herein, including but not limited to past and future medical costs and expenses, which continue to accrue in an amount to be proven at trial, special damages, and general damages, including but not limited to physical and mental pain and suffering and permanent injury and bodily impairment, and punitive damages.

**WHEREFORE,** Plaintiffs demand a trial by jury and pray for the following relief:

1. That Defendants be served with summons, process, and a copy of this Complaint as provided by law;
2. That Plaintiffs have a trial by jury as to all triable issues in this case;

3. That Plaintiffs obtain judgment against Defendants for special, general, and punitive damages as determined at trial, as well as costs of litigation and expenses;

4. That Catrice Carr, Courtney Lawson, and Asasa Sonkesak recover the full value of the lives of their respective loved ones Nickleaus Jackson, Jefonti Pharms, and James Williams as compensation for the wrongful deaths of the respective loved ones; and

5. That Plaintiffs have such other and further relief as this Court deems just and equitable under all circumstances alleged herein.

Respectfully submitted this 19<sup>th</sup> day of May, 2020.

*/s/ Eric J. Hertz*

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*/s/ Jeffrey E. Gewirtz*

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