

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT  
DEPARTMENT OF  
THE TRIAL COURT

**CECELIA SEGAL,**

Plaintiff,

v.

**3M COMPANY f/k/a MINNESOTA MINING  
AND MANUFACTURING;  
ARKEMA INC.;  
AVENTIS INC.;  
AVON PRODUCTS INC.;  
BLOCK DRUG COMPANY, INC.,** Individually  
and as Successor to the Gold Bond  
Sterilizing Power Company a/k/a The Gold  
Bond Company;

**CHANEL, INC.;  
CHARLES B. CHRYSTAL CO., INC.;  
CHATTEM, INC.;  
CLINIQUE LABORATORIES LLC;  
COLGATE-PALMOLIVE COMPANY;  
COLGATE--PALMOLIVE COMPANY,**  
Individually and as Successor to the Mennen  
Company;

**CONOPCO, INC.;  
COTY, INC.;  
COTY US, LLC.;  
ESTEE LAUDER, INC.;  
GLAXOSMITHKLINE LLC.** Individually and as  
Successor to Block Drug Company and  
Gold Bond;

**GLAXOSMITHKLINE CONSUMER  
HEALTHCARE HOLDINGS(US) LLC.,**  
Individually and as Successor to Block Drug  
Company and Gold Bond;

**GSK CONSUMER HEALTH INC., f/k/a  
Novartis Consumer Health Inc., f/k/a CIBA  
Self-Medication Inc.,** as successor to Block  
Drug Corp., successor to The Gold Bond

24-638

Civil Action No.

**COMPLAINT**

**PLAINTIFF  
DEMANDS TRIAL  
BY JURY**

3/6/24

**RECEIVED**

Sterilizing Powder Co., a/k/a The Gold Bond Co.;

**HIMMEL MANAGEMENT CO., LLC.** a/k/a Himmel Group d/b/a Martin Himmel, Inc., Individually and as Successor to Block Drug, The Gold Bond Sterilizing Powder Company a/k/a The Gold Bond Company, Gold Bond Pharmaceutical Corporation, and Gold Bond;

**HIMMEL MEDIA, LLC.** a/k/a Himmel Group d/b/a Martin Himmel, Inc., Individually and as Successor to Block Drug, The Gold Bond Sterilizing Powder Company a/k/a The Gold Bond Company, Gold Bond Pharmaceutical Corporation, and Gold Bond;

**IMI FABI LLC;**

**JOHNSON & JOHNSON;**

**KOLMAR LABORATORIES, INC;**

**L'OREAL TRAVEL RETAIL AMERICAS, INC.,** Individually and as Successor to Lancome, Cacharel, Maybelline, Yves Saint Laurent, Vanderbilt;

**L'OREAL USA INC.,** Individually and as Successor to Lancome, Cacharel, Maybelline, Yves Saint Laurent, Vanderbilt;

**LTL MANAGEMENT LLC;**

**MARY KAY, INC;**

**MAYBELLINE LLC;**

**MENNEN COMPANY (THE);**

**MIYOSHI AMERICA, INC.** f/k/a U.S. COSMETICS CORP., Individually and/or as successor-in-interest to U.S. Cosmetics Corp.;

**NEW AVON LLC;**

**NINA RICCI USA, INC.;**

**NOXELL CORPORATION,** f/k/a Noxzema Chemical Company, Individually and as Successor to CoverGirl;

**PFIZER, INC.,** Individually and as Successor to Coty Inc.;

**PRESPERSE CORPORATION** f/k/a Presperse Inc.;

**PTI UNION, LLC,** d/b/a Pharrna Tech Industries;  
**SANOFI US CORPORATION,** Individually and as Successor to Yves Saint Laurent;

**SANOFI US SERVICES INC.**, f/k/a Sanofi-  
Aventis U.S. Inc., Individually and as  
Successor to Yves Saint Laurent; and  
**UNILEVER UNITED STATES INC.**,  
Individually and as Successor to  
CONOPCO.

Defendants.

---

**PARTY PLAINTIFF**

1. The Plaintiff, CECELIA SEGAL, reside at 106 Windsor Drive, Framingham, MA 01701.

**PARTY DEFENDANTS**

2A. Defendant **3M COMPANY**, f/k/a MINNESOTA MINING AND MANUFACTURING, is a Delaware corporation with its principal place of business at 3M Center, Tax Building 224-5N40, St. Paul, Minnesota 55101 and a registered agent in Massachusetts. 3M COMPANY has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as a manufacturer defendant.

2B. Defendant **ARKEMA INC.** is a Pennsylvania corporation with its principal place of business at 900 First Ave., King of Prussia, PA 19406 and a registered agent in Massachusetts. ARKEMA INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as a manufacturer defendant.

2C. Defendant **AVENTIS INC.** is a Pennsylvania corporation with its principal place of business at 55 Corporate Drive, Bridgewater, New Jersey 08807 and a registered agent in Massachusetts. AVENTIS INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as a manufacturer defendant.

2D. Defendant **AVON PRODUCTS, INC.** is a New York corporation with its principal place of business at 1 Avon Place, Suffern, NY. AVON PRODUCTS has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as a manufacturer defendant.

2E. Defendant **BLOCK DRUG COMPANY, INC.**, Individually and as Successor to The Gold Bond Sterilizing Powder Company a/k/a The Gold Bond Company is a New York corporation with a registered agent at Corporation Service Company, Princeton South Corporate Center, Suite 160, 100 Charles Ewing Boulevard, Ewing, NJ 08628. BLOCK DRUG COMPANY, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a supplier Defendant.

2F. Defendant **CHANEL, INC.** is a New York corporation with a registered agent at CT Corporation System, 28 Liberty Street, New York, New York. CHANEL, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a manufacturer and supplier Defendant.

2G. Defendant **CHARLES B. CHRYSTAL COMPANY, INC.** is a New York corporation with a principal place of business at 89 Coachlight Circle, Prospect, CT 06712. CHARLES B. CHRYSTAL COMPANY, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a manufacturer and supplier Defendant.

2H. Defendant **CHATTEM INC.**, is a Tennessee corporation with its principal place of business at 55 Corporate Drive, Bridgewater, NJ 08807. CHATTEM INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a supplier Defendant.

2I. Defendant **CLINIQUE LABORATORIES LLC** New York corporation with its principal place of business at 7 Corporate Center Drive, Melville, New York 11747 and a registered agent at Corporation Service Company, 80 State Street, Albany, New York. CLINIQUE LABORATORIES LLC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a supplier Defendant.

2J. Defendant **COLGATE-PALMOLIVE COMPANY** is a Delaware corporation with its principal place of business at 300 Park Avenue, New York, New York 10022 and a registered agent in Massachusetts. COLGATE-PALMOLIVE COMPANY has conducted 3 business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as a manufacturer defendant.

2K. Defendant **COLGATE-PALMOLIVE COMPANY**, Individually and as Successor to The Mennen Company is a Delaware corporation with its principal place of business at 300 Park Avenue, New York, New York 10022 and a registered agent in Massachusetts. COLGATE-PALMOLIVE COMPANY has conducted 3 business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as a manufacturer defendant.

2L. Defendant **CONOPCO INC.** is a New York corporation with its principal place of business at 700 Sylvan Avenue, Englewood Cliffs, New Jersey and a registered agent in Massachusetts. CONOPCO, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as a manufacturer and supplier defendant.

2M. Defendant **COTY, INC.**, individually and as successor-in-interest to Calvin Klein Cosmetics Corporation, is a Delaware corporation with its principal place of business at 237 Park Avenue, 19th Floor, New York, New York 10118. COTY, INC. has conducted business in and has

derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as a manufacturer and supplier defendant.

2N. Defendant **COTY US INC.**, individually and as successor-in-interest to Calvin Klein Cosmetics Corporation, is a Delaware corporation with a principal place of business at 237 Park Avenue, 19th Floor, New York, New York 10118. COTY US INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as a manufacturer and supplier defendant.

2O. Defendant **ESTEE LAUDER INC.** is a Delaware corporation with its principal place of business at 7 Corporate Center Drive, Melville, New York, 11747 and a registered agent in Massachusetts. ESTEE LAUDER INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. The defendant has been sued as a manufacturer and supplier Defendant.

2P. Defendant **GLAXOSMITHKLINE LLC**, individually and as successor-in-interest to BLOCK DRUG COMPANY and GOLD BOND, is a New York corporation with a registered agent at Corporation Service Company, Princeton South Corporate Center, Suite 160, 100 Charles Ewing Boulevard, Ewing, NJ 08628. GLAXOSMITHKLINE LLC has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a supplier Defendant.

2Q. Defendant **GLAXOSMITHKLINE CONSUMER HEALTHCARE HOLDINGS (US) LLC**, individually and as successor-in-interest to BLOCK DRUG COMPANY and GOLD BOND, is a New York corporation with a registered agent at Corporation Service Company, Princeton South Corporate Center, Suite 160, 100 Charles Ewing Boulevard, Ewing, NJ 08628. GLAXOSMITHKLINE CONSUMER HEALTHCARE HOLDINGS (US) LLC has conducted

business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a supplier Defendant.

2R. Defendant **GSK CONSUMER HEALTH INC.**, f/k/a Novartis Consumer Health Inc. f/k/a CIBA Self-Medication Inc., successor to Block Drug Corp., successor to The Gold Bond Sterilizing Powder Co., a/k/a The Gold Bond Co., is a Delaware corporation with its principal place of business located at 2929 Walnut St., Ste 1700, Philadelphia, PA 19104. GSK CONSUMER HEALTH INC. has conducted business in and derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a manufacturer Defendant.

2S. Defendant **HIMMEL MANAGEMENT CO., LLC**, a/k/a HIMMEL GROUP d/b/a MARTIN HIMMEL, INC., individually and as successor-in-interest to BLOCK DRUG, THE GOLD BOND STERILIZING POWDER COMPANY a/k/a THE GOLD BOND COMPANY, GOLD BOND PHARMACEUTICAL CORPORATION, and GOLD BOND is a New York corporation with a registered agent at 1500 RXR Plaza, West Tower, Uniondale, NY 11556. HIMMEL MANAGEMENT CO., LLC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a manufacturer and supplier Defendant.

2T. Defendant **HIMMEL MEDIA, LLC**, a/k/a HIMMEL GROUP d/b/a MARTIN HIMMEL, INC., individually and as successor-in-interest to BLOCK DRUG, THE GOLD BOND STERILIZING POWDER COMPANY a/k/a THE GOLD BOND COMPANY, GOLD BOND PHARMACEUTICAL CORPORATION, and GOLD BOND is a New York corporation with a registered agent at 1500 RXR Plaza, West Tower, Uniondale, NY 11556. HIMMEL MEDIA, LLC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a manufacturer and supplier Defendant.

2U. Defendant **IMI FABI LLC** is a West Virginia corporation with its principal place of business at 209 Marshall Street, Brenwood, WV 26031. IMI FABI LLC has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. The defendant has been sued as a manufacturer and supplier Defendant.

2V. Defendant **JOHNSON & JOHNSON** is a foreign corporation with its principal place of business at M. H. Ullmann, Registered Agent, One Johnson & Johnson Plaza, New Brunswick, NJ 08901 and a registered agent located at CT Corporation System, 101 Federal Street, Boston, MA 02110. JOHNSON & JOHNSON has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2W. Defendant **KOLMAR LABORATORIES INC.** is a New York corporation with its principal place of business at 20 West King Street, Port Jervis, New York 12771 and a registered agent located at Capitol Services, Inc., 1218 Central Avenue, Suite 100, Albany, New York 12205. KOLMAR LABORATORIES INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2X. Defendant **L'OREAL TRAVEL RETAIL AMERICAS, INC.**, Individually and as Successor to Lancome, Cacharel, Maybelline, Yves Saint Laurent, Vanderbilt is a New York corporation with its registered agent located at c/o CT Corporation System, 28 Liberty Street, New York, New York 10005. L'OREAL TRAVEL RETAIL AMERICAS, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.



2Y. Defendant **L'OREAL USA INC.**, Individually and as Successor to Lancome, Cacharel, Maybelline, Yves Saint Laurent, Vanderbilt is a New York corporation with its principal place of business at 10 Hudson Yards, 30th Floor, New York, New York 10001 and a registered agent located at c/o Corporation Service Company, 80 State Street, Albany, New York 12207. L'OREAL USA INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2Z. Defendant **LTL MANAGEMENT LLC.** is a domestic limited liability company with its principal place of business 199 Grandview Road, Skillman, NJ 08558, and registered agent located at 201 Elm Street, Everett, MA 02149. LTL MANAGEMENT LLC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a manufacturer and supplier Defendant.

2AA. Defendant **MARY KAY, INC.** is an organized foreign and/or domestic corporation with its principal place of business at 575 Sixth Avenue, 19th Floor, New York, New York 10017, and a registered agent located at c/o Corporation Service Company, 80 State Street, Albany, New York 12207. MARY KAY, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2BB. Defendant **MAYBELLINE LLC.** is an organized foreign and/or domestic corporation with its principal place of business at 575 Sixth Avenue, 19th Floor, New York, New York 10017, and a registered agent located at c/o Corporation Service Company, 80 State Street, Albany, New York 12207. MAYBELLINE, LLC. has conducted business in and has derived

substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2CC. Defendant **MENNEN COMPANY (THE)** is an organized foreign and/or domestic corporation with its principal place of business at 300 Park Avenue, New York, New York, and a registered agent located at c/o CT Corporation System, 1633 Broadway, New York, New York. THE MENNEN COMPANY has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2DD. Defendant **MIYOSHI AMERICA, INC.** f/k/a U.S. COSMETICS CORP., Individually and/or as successor-in-interest to U.S. Cosmetics Corp. is an organized foreign and/or domestic corporation with its principal place of business at 110 Louisa Viens Drive Dayville, CT 06241. MIYOSHI AMERICA, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2EE. Defendant **NEW AVON LLC.** is a New York corporation with a registered agent located at CT Corporation System, 111 Eighth Avenue, New York, New York 10011. NEW AVON LLC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2FF. Defendant **NINA RICCI USA, INC.** is a New York corporation with a registered agent located at CT Corporation System, 80 State Street, New York, NY 10011. NINA RICCI USA, INC. has conducted business in and has derived substantial revenue from the

Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2GG. Defendant **NOXELL CORPORATION**, f/k/a Noxzema Chemical Company, Individually and as Successor to CoverGirl is a foreign corporation with its principal place of business at 11050 York Road, Hunt Valley, MD 21030 and a registered agent located at CT Corporation System, 101 Federal Street, Boston, MA 02110. NOXELL CORPORATION has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2HH. Defendant, **PFIZER, INC.**, individually and as successor-in-interest to AUSTERNAL AND SPECIALTY MINERALS, is a Delaware corporation with its principal place of business at 235 East 42nd Street, New York, New York 10017, and a registered agent in Massachusetts. PFIZER, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a manufacturer and supplier Defendant.

2II. Defendant **PRESERSE CORPORATION** f/k/a Presperse Inc. is a New Jersey corporation with its principal place of business at 19 Schoolhouse Road, Somerset, NJ 08873. PRESERSE CORPORATION has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a manufacturer and supplier Defendant.

2JJ. Defendant **PTI UNION, LLC**, d/b/a Pharma Tech Industries, is a Delaware limited liability company with its principal place of business located at 1310 Stylemaster Dr., Union, MO 63084. PTI UNION, LLC d/b/a PharmaTech Industries, has conducted business in and derived

substantial revenue from the Commonwealth of Massachusetts. This Defendant has been sued as a manufacturer and supplier Defendant.

2KK. Defendant **SANOFI US CORPORATION**, Individually and as Successor to Yves Saint Laurent is a foreign corporation with its principal place of business at 55 Corporate Drive, Bridgewater, New Jersey 08807 and a registered agent located at Corporation Service Company, 84 State Street, Boston, MA 02109. SANOFI US CORPORATION has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2LL. Defendant **SANOFI US SERVICES INC.**, f/k/a Sanofi-Aventis U.S. Inc., Individually and as Successor to Yves Saint Laurent is a foreign corporation with its principal place of business at 55 Corporate Drive, Bridgewater, New Jersey 08807 and a registered agent located at Corporation Service Company, 84 State Street, Boston, MA 02109. SANOFI US SERVICES INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

2MM. Defendant **UNILEVER UNITED STATES, INC.** is a foreign corporation with its principal place of business at 700 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. UNILEVER UNITED STATES, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts. This defendant has been sued as manufacturer and supplier defendant.

3. As used in this Complaint, the terms “defendant,” “Defendants,” or “defendant corporations” shall include the party Defendants identified in paragraphs 2A-2MM hereof, and their predecessors and successors, which shall include, but not be limited to, any person,

corporation, company of business entity which formed part of any combination, consolidation, merger or reorganization from which any party defendant was created or was the surviving corporation of other entity, or into which any party defendant was merged, consolidated, or reorganized; whose assets, stock, property, employees, customers, good will, products, or product line was acquired by or from any party defendant; or which was dominated or controlled by any party defendant to such an extent that said party defendant was the “alter ego” of said corporation.

4. The term “J&J Defendants” shall refer collectively to Johnson & Johnson and LTL Management LLC.

5. Defendants John Does/ Jane Does #1 -30 are those persons, agents, employees, and/or representatives of Defendants whose conduct as described herein caused or contributed to the damages of the Plaintiff, all of whose names and legal identities are unknown to the Plaintiff at this time, but will be substituted by amendment when ascertained, individually and jointly.

6. Defendants Unknown Businesses and/or Corporations A-Z are unknown entities whose conduct as described herein caused or contributed to the damages of the Plaintiff, all of whose names and legal identities are unknown to the Plaintiff at this time, but will be substituted by amendment when ascertained, individually and jointly.

7. The Plaintiff’s causes of action arise from the Defendants: (a) transacting business in the Commonwealth of Massachusetts; (b) contracting to supply and/or sell goods in the Commonwealth of Massachusetts; (c) doing or causing a tortious act to be done within the Commonwealth of Massachusetts; and/or (d) causing the consequence of a tortious act to occur within the Commonwealth of Massachusetts.

#### **FACTUAL BACKGROUND**

8. The talcum powder products, which were contaminated with tremolite asbestos and/or other amphibole or serpentine asbestos in various percentages by weight, to which

CECELIA SEGAL (hereinafter referred to as "Plaintiff"), was exposed were designed, developed, mined, milled, manufactured, fabricated, contracted, installed, supplied, distributed, sold, and/or used by the defendant corporations, acting through their duly authorized agents, servants, and employees, who were then and there acting in the course and scope of their employment and in furtherance of the business of the Defendants.

9. At all times pertinent hereto, the defendant corporations were engaged in the business of mining, milling, manufacturing, fabricating, designing, developing, testing, packaging, promoting, marketing, labeling, contracting, installing, supplying, distributing, selling, and/or using talcum powder products, which were contaminated with tremolite asbestos and/or other amphibole or serpentine asbestos in various percentages by weight (hereinafter, "asbestos-contaminated talcum products").

10. Talc is a magnesium trisilicate and is mined from the earth. Talc is an inorganic mineral.

11. Talc is the main substance in talcum powder. The asbestos-contaminated talcum products are composed almost entirely of talc, which at times relevant herein was contaminated with asbestos.

12. At all pertinent times, a feasible alternative to the asbestos-contaminated talcum products has existed. Cornstarch is an organic carbohydrate that is quickly broken down by the body with no known health effects. Cornstarch powders have been sold and marketed for the same uses with nearly the same effectiveness.

13. Historically, Defendant's erroneously marketed the asbestos-contaminated talcum products as safe.

14. Plaintiff used the asbestos-contaminated talcum products in an intended, normal, routine, and reasonably foreseeable manner based on the advertising, marketing, and labeling of the asbestos-contaminated talcum products.

15. This use released respirable dust, including asbestos fibers, from the asbestos-contaminated talcum products into Plaintiff's breathing zone.

16. As a result, Plaintiff inhaled the respirable powder and dust, including asbestos fibers, created from her intended and foreseeable use of the asbestos-contaminated talcum products.

17. The association between asbestos and disease has been well-known since at least the 1930s. Mesothelioma is a signal disease of asbestos exposure, and a clear consensus exists in the scientific and medical community that asbestos exposures is virtually the only known cause of mesothelioma in the United States. It is well-established in the scientific and medical community that low, brief, and/or intermittent exposures to asbestos, in all its forms, are capable of causing mesothelioma.

18. It is also has been conclusively established in the scientific community that asbestos is a contaminant of mined talc. Various publications have noted this contamination and resulting exposure to asbestos from work with or use of talc or talcum products dating to at least the 1940's, including a 1943 article by Seigel, Geological Surveys by the U.S. Department of Interior identifying the mineral composition of various talc deposits throughout the United States, articles from the 1970's by Churg, Langer, Selikoff, Rohl, and Roggli, and official statements from agencies such as the National Institute of Occupational Health & Safety, the Environmental Protection Agency, and the Occupational Safety & Health Administration.

19. The International Agency for the Research on Cancer lists asbestiform-containing talc on the highest level of carcinogenicity and in 2010 published on the mineral composition of various talc deposits in the United States.

20. That asbestos is a contaminant specifically of cosmetic talc products which becomes respirable upon product use has been reported and discussed in the scientific literature since at least the late 1960's, and has been linked to the development of asbestos disease.

21. As a result of the published literature, as well as internal knowledge and/or research or testing, Defendants each knew or should have known of the hazards of asbestos exposures as a result of the use of the asbestos-contaminated talcum products.

22. Talc and talcum powder as cosmetic ingredients are regulated by the U.S. Food and Drug Administration. (21 C.F.R. 740.1).

23. At all relevant times, Defendants had the obligation to comply with federal standards and regulations in the manufacture, design, marketing, branding, labeling, distribution, and sale of the asbestos-contaminated talcum products.

24. Defendants, each individually, *in solido*, and/or jointly, violated the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301, *et seq.*, and regulations promulgated thereunder.

25. Defendants have or may have failed to comply with federal standards and requirements governing the manufacture, design, marketing, branding and sale of the asbestos-contaminated talcum products including, but not limited to, the following violations of sections and subsections of the United States Code and the Code of Federal Regulations:

(a) The asbestos-contaminated talcum products are adulterated pursuant in violation of 21 U.S.C. § 361 because, among other things, they contain a poisonous or deleterious



substance which may render them injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.

(b) The asbestos-contaminated talcum products are misbranded in violation of 21 U.S.C. § 362 because, among other things, their labeling is false or misleading.

(c) The asbestos-contaminated talcum products are misbranded in violation 21 U.S.C. § 362 because words, statements or other information required by or under authority of 21 U.S.C. § 362 are not prominently placed thereon with such conspicuousness and in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) The asbestos-contaminated talcum products are misbranded in violation of 21 C.F.R. § 701.1 because they contain false or misleading representations that they are safe for daily application to all parts of the female body.

(e) The asbestos-contaminated talcum products do not bear a warning statement, in violation of 21 C.F.R. § 740.1, to prevent a health hazard that may be associated with the asbestos-contaminated talcum products, namely that the asbestos-contaminated talcum products may cause cancer, including mesothelioma, when used as intended.

(f) The asbestos-contaminated talcum products do not prominently and conspicuously bear a warning statement, in violation of 21 C.F.R. § 740.2, as to the risk of cancer caused by use of the asbestos-contaminated talcum products when applied to the body, in such terms and design that it is likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(g) The asbestos-contaminated talcum products, in violation of 21 C.F.R. § 740.10, do not conspicuously state on their principal display panel that the safety of the asbestos-

contaminated talcum products have not been determined and/or that the safety of the asbestos-contaminated talcum products' principal ingredients have not been determined.

26. The Defendants had a duty to know and warn about the hazards associated with the use of the asbestos-contaminated talcum products.

27. The Defendants failed to inform its customers and end users of the asbestos-contaminated talcum products of a known catastrophic health hazard associated with the use of its products.

28. In addition, the Defendants procured and disseminated false, misleading, and biased information regarding the safety of the asbestos-contaminated talcum products to the public and used influence over governmental and regulatory bodies regarding talc.

29. At all times pertinent hereto, the asbestos-contaminated talcum products were products designed, developed, mined, milled, manufactured, fabricated, contracted, installed, supplied, distributed, sold, and/or used by the defendant corporations and reached Plaintiff without any substantial change in the condition of the product or products from the time that they were sold.

30. Plaintiff was exposed to Defendants' asbestos-contaminated talcum products through her personal use of these products as well as her family member's use of these products throughout her life, as well as through her employment at CVS in the 1970's and 1980's.

31. During the periods of time set forth in Paragraph 8, Plaintiff was exposed to and did inhale and/or ingest asbestos dust, fibers, and particles, which dust, fibers, and particles came from the asbestos-contaminated talcum products which were designed, developed, mined, milled, manufactured, fabricated, contracted, installed, supplied, distributed, sold, and/or used by the defendant corporations.

32. As a direct and proximate result of working with, around, and/or near asbestos-contaminated talcum products designed, developed, mined, milled, manufactured, fabricated, contracted, installed, supplied, distributed, sold, and/or otherwise placed in the stream of commerce by the Defendants, Plaintiff CECELIA SEGAL developed malignant mesothelioma, an asbestos-related injury, and was diagnosed with this disease on or about March 1, 2023.

33. Plaintiff has suffered serious personal injuries, has endured great pain of body and mind, has suffered severe mental anguish and distress, and has been required to undergo medical treatment, care, and expense.

**COUNT ONE:**  
**ALLEGATIONS AGAINST MANUFACTURING DEFENDANTS**

34. All of the allegations contained in the previous paragraphs are re-alleged.

35. Plaintiff alleges that Plaintiff was exposed to asbestos-containing products requiring or calling for the use of asbestos and/or asbestos-containing products in her occupation. Defendants, **3M COMPANY; ARKEMA INC.; AVENTIS INC.; AVON PRODUCTS, INC.; CHANEL, INC.; CHARLES B. CHRYSTAL CO., INC.; COLGATE-PALMOLIVE COMPANY; COLGATE-PALMOLIVE COMPANY**, Individually and as Successor to the Mennen Company; **CONOPCO, INC.; COTY, INC.; COTY US, LLC.; ESTEE LAUDER, INC.; HIMMEL MANAGEMENT CO., LLC**. a/k/a Himmel Group d/b/a Martin Himmel, Inc., Individually and as Successor to Block Drug, The Gold Bond Sterilizing Powder Company a/k/a The Gold Bond Company, Gold Bond Pharmaceutical Corporation, and Gold Bond; **HIMMEL MEDIA, LLC**. a/k/a Himmel Group d/b/a Martin Himmel, Inc., Individually and as Successor to Block Drug, The Gold Bond Sterilizing Powder Company a/k/a The Gold Bond Company, Gold Bond Pharmaceutical Corporation, and Gold Bond; **IMI FABI LLC; JOHNSON & JOHNSON; KOLMAR LABORATORIES, INC; L'OREAL TRAVEL RETAIL**

**AMERICAS, INC.**, Individually and as Successor to Lancome, Cacharel, Maybelline, Yves Saint Laurent, Vanderbilt; **L'OREAL USA INC.**, Individually and as Successor to Lancome, Cacharel, Maybelline, Yves Saint Laurent, Vanderbilt; **LTL MANAGEMENT LLC**; **MARY KAY, INC**; **MAYBELLINE LLC**; **MENNEN COMPANY (THE)**; **MIYOSHI AMERICA, INC.** f/k/a U.S. COSMETICS CORP., Individually and/or as successor-in-interest to U.S. Cosmetics Corp.; **NEW AVON LLC**; **NINA RICCI USA, INC.**; **NOXELL CORPORATION**, f/k/a Noxzema Chemical Company, Individually and as Successor to CoverGirl; **PFIZER, INC.**, Individually and as Successor to Coty Inc.; **PRESPERSE CORPORATION** f/k/a Presperse Inc.; **PTI UNION, LLC**, d/b/a Pharma Tech Industries; **SANOFI US CORPORATION**, Individually and as Successor to Yves Saint Laurent; **SANOFI US SERVICES INC.**, f/k/a Sanofi-Aventis U.S. Inc., Individually and as Successor to Yves Saint Laurent; and **UNILEVER UNITED STATES INC.** (hereinafter referred to as the "Manufacturer Defendants"), or their predecessors-in-interest, are, or at times material hereto have been, engaged in the mining, processing and/or manufacturing, sale and distribution of asbestos-contaminated talcum products. Plaintiff will show that Plaintiff has been exposed, on numerous occasions, to asbestos-contaminated talcum products produced and/or sold by Defendants and, in so doing, had inhaled great quantities of asbestos fibers. Further, Plaintiff alleges, as more specifically set out below, that Plaintiff suffered injuries proximately caused by her exposure to asbestos-contaminated talcum products designed, manufactured, and sold by Defendants. In that each exposure to such products caused or contributed to Plaintiff's injuries, Plaintiff says that the doctrine of joint and several liability should be extended to apply to each defendant herein.

36. Plaintiff was exposed to asbestos-contaminated talcum products that were manufactured, designed, and/or distributed by the Manufacturer Defendants and/or their

predecessors-in-interest. Plaintiff will show that the defective design and condition of the products rendered such products unreasonably dangerous, and that the asbestos-contaminated talcum products were in this defective condition at the time they were designed by and/or left the hands of Defendants. Plaintiff will show that the Manufacturer Defendants' asbestos-contaminated talcum products were defective in the manner in which they were marketed for their failure to contain or include warnings regarding potential asbestos health hazards associated with the use of or the exposure to the products. Plaintiff will show that this market defect rendered such asbestos-contaminated talcum products unreasonably dangerous at the time they were designed or left the hands of the Manufacturer Defendants. Plaintiff will show that Defendants are liable in product liability including, but not limited to, strict product liability for the above-described defects.

37. The Manufacturer Defendants are or were engaged in the business of selling, manufacturing, producing, designing, and/or otherwise putting into the stream of commerce asbestos-contaminated talcum products, and these asbestos-contaminated talcum products, without substantial change in the condition in which they were sold, manufactured, produced, designed, and/or otherwise put into the stream of commerce, were a proximate and/or producing cause of Plaintiff's injuries.

38. The Manufacturer Defendants knew that these asbestos-contaminated talcum products would be used without inspection for defects and, by placing them on the market, represented that they would safely do the job for which they were intended, which must necessarily include safe manipulation and/or installation of the asbestos-contaminated talcum products and/or operation, maintenance and/or repair of the machinery requiring or calling for the use of asbestos and/or asbestos-contaminated talcum products.

39. Plaintiff was unaware of the hazards and defects in the asbestos-contaminated talcum products of the Defendants, which made them unsafe for purposes of manipulation and/or installation.

40. During the periods that Plaintiff was exposed to the asbestos-contaminated talcum products of the Defendants, these asbestos-contaminated talcum products were being utilized in a manner which was intended by the Manufacturer Defendants.

41. The illness and disabilities of Plaintiff are a direct and proximate result of the negligence of each Manufacturer Defendants and/or its predecessor-in-interest in that said entities produced, designed, sold, and/or otherwise put into the stream of commerce, asbestos-contaminated talcum products, which the Manufacturer Defendants knew, or in the exercise of ordinary care should have known, were deleterious and highly harmful to Plaintiff's health and well-being. Certain Defendants created hazardous and deadly conditions to which Plaintiff was exposed, and which caused Plaintiff to be exposed to a large amount of asbestos fibers. The Manufacturer Defendants were negligent in one, some and/or all of the following respects, among others, same being the proximate cause of Plaintiff's illness and disabilities:

- (a) in failing to timely and adequately warn Plaintiff of the dangerous characteristics and serious health hazards associated with exposure to asbestos-contaminated talcum products;
- (b) in failing to provide Plaintiff with information as to what would be reasonably safe and sufficient wearing apparel and proper protective equipment and appliances, if in truth there were any, to protect her from being harmed and disabled by exposure to asbestos-contaminated talcum products;

- (c) in failing to place timely and adequate warnings on the containers of said asbestos-contaminated talcum products and/or on the asbestos-contaminated talcum products themselves, to warn of the dangers to health of coming into contact with said asbestos-contaminated talcum products;
- (d) in failing to take reasonable precautions or exercise reasonable care to publish, adopt and enforce a safety plan and/or safe method of handling and using asbestos-contaminated talcum products in a safe manner;
- (e) in failing to develop and utilize a substitute material or design to eliminate asbestos-contaminated talc in their talcum products;
- (f) in failing to properly design and manufacture talcum products for safe use under conditions of use that were reasonably anticipated;
- (g) in failing to properly test said asbestos-contaminated talcum products before they were released for consumer use; and
- (h) in failing to recall and/or remove from the stream of commerce said asbestos-contaminated talcum products despite knowledge of the unsafe and dangerous nature of such products or machinery.

**COUNT TWO:**  
**ALLEGATIONS AGAINST SUPPLIER DEFENDANTS**

42. All of the allegations contained in the previous paragraphs are re-alleged.

43. For all pertinent times **CHANEL, INC.; CHARLES B. CHRYSTAL CO., INC.; CHATTEM INC.; CLINIQUE LABORATORIES LLC.; COLGATE-PALMOLIVE COMPANY; COLGATE-PALMOLIVE COMPANY**, Individually and as Successor to the Mennen Company; **CONOPCO, INC.; COTY, INC.; COTY US, LLC.; ESTEE LAUDER, INC.; GLAXOSMITHKLINE LLC; GLAXOSMITHKLINE CONSUMER**

**HEALTHCARE HOLDINGS (US) LLC; HIMMEL MANAGEMENT CO., LLC.** a/k/a Himmel Group d/b/a Martin Himmel, Inc., Individually and as Successor to Block Drug, The Gold Bond Sterilizing Powder Company a/k/a The Gold Bond Company, Gold Bond Pharmaceutical Corporation, and Gold Bond; **HIMMEL MEDIA, LLC.** a/k/a Himmel Group d/b/a Martin Himmel, Inc., Individually and as Successor to Block Drug, The Gold Bond Sterilizing Powder Company a/k/a The Gold Bond Company, Gold Bond Pharmaceutical Corporation, and Gold Bond; **IMI FABI LLC; JOHNSON & JOHNSON; KOLMAR LABORATORIES, INC; L'OREAL TRAVEL RETAIL AMERICAS, INC.,** Individually and as Successor to Lancome, Cacharel, Maybelline, Yves Saint Laurent, Vanderbilt; **L'OREAL USA INC.,** Individually and as Successor to Lancome, Cacharel, Maybelline, Yves Saint Laurent, Vanderbilt; **LTL MANAGEMENT LLC; MARY KAY, INC; MAYBELLINE LLC; MENNEN COMPANY (THE); MIYOSHI AMERICA, INC.** f/k/a U.S. COSMETICS CORP., Individually and/or as successor-in-interest to U.S. Cosmetics Corp.; **NEW AVON LLC; NINA RICCI USA, INC.; NOXELL CORPORATION,** f/k/a Noxzema Chemical Company, Individually and as Successor to CoverGirl; **PFIZER, INC.,** Individually and as Successor to Coty Inc.; **PRESERSE CORPORATION** f/k/a Presperse Inc.; **PTI UNION, LLC,** d/b/a Pharma Tech Industries; **SANOFI US CORPORATION,** Individually and as Successor to Yves Saint Laurent; **SANOFI US SERVICES INC.,** f/k/a Sanofi-Aventis U.S. Inc., Individually and as Successor to Yves Saint Laurent; and **UNILEVER UNITED STATES INC** (hereinafter referred to as the “the Supplier Defendants”), individually, sold, distributed, and supplied asbestos-contaminated talc, which Plaintiff came in contact with and utilized, and such asbestos which Plaintiff inhaled, causing her injuries, illnesses, and disabilities.



44. The Supplier Defendants are (i) a manufacturer, miner, shipper and supplier of talc to various locations owned and/or operated by talcum product manufacturers, are liable to Plaintiff for failure to warn of the health hazards of exposure to asbestos and failure to design and package its product of talc so as to adequately protect and warn users of the dangers of exposure to asbestos; and/or (ii) liable to Plaintiff as a professional vendor of asbestos-contaminated talcum products, and, as a professional vendor of the Supplier Defendants' size, volume of business and merchandising practices, knew or should have known of the defects of the asbestos-contaminated talc it sold, and is strictly liable and negligent for failing to warn users of the potential health hazards from the use of said products.

45. Further, the Supplier Defendants made misrepresentations regarding the safety of talc to the talcum product manufacturers, thereby fraudulently inducing other sophisticated users to use Supplier Defendants' asbestos-contaminated talc instead of other types. As such, the Supplier Defendants are liable to Plaintiff for suffering from diseases caused by exposure to the Supplier Defendants' asbestos-contaminated talc because the Supplier Defendants fraudulent misrepresentations were detrimentally relied upon (i) by talcum product manufacturers incorporating the Supplier Defendants' asbestos-contaminated talc into their finished product, and (ii) by the Plaintiff who was exposed to the asbestos-contaminated talcum products.

46. Finally, the Supplier Defendants are liable to Plaintiff because they knew or should have known that the asbestos-contaminated talc, which they sold and supplied, were unreasonably dangerous in normal use, and their failure to communicate this information constitutes negligence. This negligence was the cause of Plaintiff's injuries, including, but not limited to, mesothelioma, asbestosis, asbestos-induced pleural disease and other ill health effects.

**COUNT THREE:**  
**CONSPIRACY ALLEGATIONS AGAINST ALL DEFENDANTS**

47. All of the allegations contained in the previous paragraphs are re-alleged.

48. Plaintiff further allege that Defendants and/or their predecessors-in-interest knowingly agreed, contrived, combined, confederated, and conspired among themselves and with other entities to cause Plaintiff's illness and disabilities by exposing her to harmful and dangerous asbestos-contaminated talcum products. Defendants and other entities further knowingly agreed, contrived, combined, confederated, and conspired to deprive Plaintiff of the opportunity of informed free choice as to whether to use said asbestos-contaminated talcum products or to expose themselves to said dangers. Defendants committed the above-described wrongs by willfully misrepresenting and suppressing the truth as to the risks and dangers associated with the use of and exposure to Defendants' asbestos-contaminated talcum products.

49. In furtherance of said conspiracies, Defendants performed the following overt acts:

- (a) for many decades, Defendants, individually, jointly, and in conspiracy with each other and other entities, have been in possession of medical and scientific data, literature, and test reports which clearly indicated that the inhalation of asbestos dust and fibers resulting from the ordinary and foreseeable use of said asbestos-contaminated talcum products were unreasonably dangerous, hazardous, deleterious to human health, carcinogenic, and potentially deadly;
- (b) despite the medical and scientific data, literature, and test reports possessed by and available to Defendants, Defendants individually, jointly, and in conspiracy with each other and other entities, fraudulently, willfully, and maliciously:
  - (1) withheld, concealed, and suppressed said medical and scientific data, literature, and test reports regarding the risks of asbestosis, cancer, mesothelioma, and other illnesses and diseases from Plaintiff who was

using and being exposed to Defendants' asbestos-contaminated talcum products;

- (2) caused to be released, published, and disseminated medical and scientific data, literature, and test reports containing information and statements regarding the risks of asbestosis, cancer, mesothelioma, and other illnesses and diseases, which Defendants knew were incorrect, incomplete, outdated, and misleading; and
  - (3) distorted the results of medical examinations conducted upon Plaintiff and/or individuals such as Plaintiff who were using asbestos-contaminated talcum products and being exposed to the inhalation of asbestos dust and fibers by falsely stating and/or concealing the nature and extent of the harm to which Plaintiff and individuals such as Plaintiff have suffered.
- (c) Other conspirators participating in the conspiracy, or in ongoing or subsequent conspiracies, were member companies in the Quebec Asbestos Mining Association and/or Asbestos Textile Institute and/or the Industrial Hygiene Foundation. Acting in concert, the conspirators fraudulently misrepresented to the public and public officials, *inter alia* that talc and/or asbestos did not cause cancer and that the disease asbestosis had no association with pleural and pulmonary cancer and affirmatively suppressed information concerning the carcinogenic and other adverse effects of asbestos exposure on the human respiratory and digestive systems.
- (d) In addition, Defendants contrived, combined, confederated, and conspired through a series of industry trade meetings and the creation of organizations such as the Air Hygiene Foundation (later the Industrial Hygiene Foundation) to establish

authoritative standards for the control of industrial dusts which would act as a defense in personal injury lawsuits, despite knowing that compliance with such standards would not protect individuals such as Plaintiff from contracting asbestos disease or cancer.

- (e) In furtherance of said conspiracies, Defendants and/or their co-conspirators contributed to cause the establishment of a Threshold Limit Value for asbestos and/or talc exposure and contributed to the maintenance of such Threshold Limit Value despite evidence that this supposed “safe” level of exposure to asbestos and/or talc would not protect the health of individuals such as Plaintiff even if complied with.
- (f) As the direct and proximate result of the false and fraudulent representations, omissions, and concealments set forth above, Defendants, individually, jointly, and in conspiracy with each other, intended to induce the Plaintiff to rely upon said false and fraudulent representations, omissions, and concealments, to continue to expose herself to the dangers inherent in the use of and exposure to Defendants’ asbestos-contaminated talcum products which caused the release of respirable asbestos fibers.

50. Plaintiff reasonably and in good faith relied upon the false and fraudulent representations, omissions, and concealments made by the Defendants regarding the nature of their asbestos-contaminated talcum products.

51. As a direct and proximate result of Plaintiff’s reliance on Defendants’ false and fraudulent representations, omissions, and concealments, Plaintiff sustained damages including

injuries, illnesses and disabilities and has been deprived of the opportunity of informed free choice in connection with the use of and exposure to Defendants' asbestos-contaminated talcum products.

**COUNT FOUR:**  
**BREACH OF EXPRESS AND IMPLIED WARRANTIES**  
**AGAINST ALL DEFENDANTS**

52. All of the allegations contained in the previous paragraphs are re-alleged.

53. Plaintiff, CECELIA SEGAL, was a person whom the Defendants could reasonably have expected to use, consume, or be affected by the Defendants' asbestos-contaminated talcum products within the meaning of Mass. Gen. Laws c. 160, art. 2, §§2-314 and 2-318, as the Defendants knew or had reason to know that their asbestos-contaminated talcum products would be used in certain settings, and that individuals such as Plaintiff would come in contact with such asbestos materials.

54. The Defendants expressly and impliedly warranted that the asbestos-contaminated talcum products described above were merchantable, safe, and fit for their ordinary purposes, and the particular purposes and requirements of Plaintiff.

55. The Defendants had reason to know of the particular purpose for which their asbestos-contaminated talcum products would be used.

56. Plaintiff relied upon the Defendants' skill or judgment in selecting suitable products for safe use.

57. The Defendants breached these warranties, in that the asbestos-contaminated talcum products they sold were not merchantable, safe, suitable or fit for their ordinary or particular purposes.

58. As a direct and proximate result of the Defendants' breach of warranties, Plaintiff contracted mesothelioma. Plaintiff suffers serious personal injuries, endures great physical pain and suffering, severe mental anguish and distress and was prevented from transacting her own

business. She has and will incur substantial medical expenses in connection with the treatment of her mesothelioma and eventually will die of this disease.

**COUNT FIVE:**  
**CONSCIOUS PAIN AND SUFFERING AGAINST ALL DEFENDANTS**

59. All of the allegations contained in the previous paragraphs are re-alleged.

60. It was the duty of the Defendants to use and exercise reasonable and due care in the manufacturer, fabrication, assembly, construction, installation, distribution, supply, sale and use of their asbestos-contaminated talcum products.

61. It was also the duty of the Defendants to provide detailed and adequate instructions relative to the proper and safe handling and use of their asbestos-contaminated talcum products, and to provide detailed and adequate warnings concerning any and all dangers, characteristics, and potentialities of their asbestos-contaminated talcum products.

62. It was the continuing duty of the Defendants to advise and warn purchasers, consumers, users, and prior purchasers, prior consumers, and prior users of all dangers, characteristics, potentialities, and defects discovered subsequent to their initial distribution or sale of their asbestos-contaminated talcum products.

63. Yet, nevertheless, wholly disregarding the aforesaid duties, the Defendants breached their duties by:

- (a) failing to warn the Plaintiff of the dangers, characteristics, and potentialities of their asbestos-contaminated talcum products when the Defendants knew or should have known that exposure to their asbestos-contaminated talcum products would cause disease and injury;
- (b) failing to warn the Plaintiff of the dangers to which she was exposed when the Defendants knew or should have known of the dangers;

- (c) failing to exercise reasonable care to warn the Plaintiff of what would be safe, sufficient, and proper protective clothing, equipment, and appliances when working with or near or being exposed to their asbestos-contaminated talcum products;
- (d) failing to provide safe, sufficient, and proper protective clothing, equipment, and appliances with their asbestos-contaminated talcum products;
- (e) failing to test their asbestos-contaminated talcum products in order to ascertain the extent of danger involved upon exposure thereto;
- (f) failing to conduct such research as should have been conducted in the exercise of reasonable care, in order to ascertain the dangers involved upon exposure to their asbestos-contaminated talcum products;
- (g) failing to remove the product or products from the market when the Defendants knew or should have known of the hazards of exposure to their asbestos-contaminated talcum products;
- (h) failing upon discovery of the dangers, hazards, and potentialities of exposure to asbestos-contaminated talcum products to adequately warn and apprise the Plaintiff of said dangers, hazards, and potentialities discovered;
- (i) failing upon discovery of the dangers, hazards, and potentialities of exposure to asbestos-contaminated talcum products to package said asbestos-contaminated talcum products so as to eliminate said dangers, hazards, and in potentialities; and
- (j) generally using unreasonable, careless, and negligent conduct in the manufacture, fabrication, assembly, construction, installation, distribution, supply, and/or sale of their asbestos-contaminated talcum products.

64. As a direct and proximate result of the unreasonable, careless, and negligent conduct of the Defendants, Plaintiff developed asbestos-related mesothelioma. She has suffered serious personal injuries, endured and continues to endure great pain of body and mind, suffered and continues to suffer severe mental anguish and distress, been prevented from transacting her business, and incurred and continues to incur substantial medical expenses.

65. The Defendants knew, or in the exercise of reasonable care should have known, of the dangerous characteristics, properties, and potentialities of asbestos-contaminated talcum products.

### **DAMAGES**

66. The conduct of Defendants, as alleged hereinabove, was a direct, proximate, and producing cause of the damages resulting from asbestos-related mesothelioma of Plaintiff and of the following general and special damages, including:

- (a) damages to punish Defendants for proximately causing Plaintiff's untimely injury and disabilities;
- (b) the conscious physical pain and suffering and mental anguish sustained by Plaintiff;
- (c) the physical impairment suffered by Plaintiff;
- (d) the disfigurement suffered by Plaintiff;
- (e) reasonable and necessary medical expenses incurred by Plaintiff;
- (f) Plaintiff's lost past and future earnings and net accumulations;
- (g) Plaintiff's mental anguish caused by the extraordinarily increased likelihood of developing (or the progression and/or recurrence of) asbestos-related cancer of the lungs, mesothelioma and other cancers due to said exposure to products manufactured, sold and/or distributed by the named Defendants; and, therefore,



67. Plaintiff filed suit within three (3) years of the date of discovering Plaintiff's asbestos-related conditions or the existence of any asbestos-related causes of action.


WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants, jointly and severally, for general damages, including, but not limited to, compensatory damages, for their costs expended herein, for interest on said judgment from the date this action accrued until paid, at the legal rate, and for such other and further relief, both at law and in equity, to which Plaintiff may show herself justly entitled.

**DEMAND FOR TRIAL BY JURY**

The Plaintiff hereby demands a trial by jury on each claim asserted or hereafter asserted by the Plaintiff and on each defense asserted or hereafter asserted by the Defendants.

Respectfully submitted,  
The Plaintiff, ~~CECELIA SEGAL~~  
By their attorneys,

Dated: March 6, 2024

  
\_\_\_\_\_  
Michael P. Joyce, Esq., BBO No. 567292  
mpjoyce@mpjoycelaw.com  
Rafael J. Colmenares, Esq., BBO 703306  
rcolmenares@mpjoycelaw.com  
Adam W. Holtman, Esq., BBO No. 695758  
aholtman@mpjoycelaw.com  
Law Offices of Michael P. Joyce, PC  
One International Place, Suite 840  
Boston, MA 02110  
T: 617-720-1222 | F: 617-720-1244

/s/Joseph W. Belluck, Esq.  
\_\_\_\_\_  
Joseph W. Belluck, Esq., BBO No. 707939  
Belluck & Fox LLP  
546 5th Avenue, 5th Floor  
New York, New York 10036