

**IN THE CIRCUIT COURT OF FARRAH COUNTY
STATE OF ROOSEVELT**

DAVID OTIS WILSON and)	
DEBRA B. WILSON,)	
Plaintiffs,)	Civil Action No. YR-4-1001
)	
v.)	
)	
THE ROE CHEMICAL COMPANY, INC.,)	
Defendant.)	

COMPLAINT AND JURY CLAIM

Now come the plaintiffs, David O. Wilson and Debra B. Wilson, and for their causes of action against the defendant, The Roe Chemical Company, Inc. state:

FACTUAL ALLEGATIONS

1. The Plaintiff, David O. Wilson, (hereinafter “Wilson”) is a natural person residing in Franklin, Roosevelt.
2. The Plaintiff, Debra B. Wilson, is a natural person residing in Franklin, Roosevelt who at all material times was married to David O. Wilson.
3. The Defendant, The Roe Chemical Company, Inc., (hereinafter “Roe”) is now and was at all material times a corporation organized and existing under and by virtue of the laws of the State of Roosevelt with its principal place of business at Route 3, Franklin, Roosevelt.
4. At all material times, Roe manufactured, sold, and distributed a weed-killer known as “Pre-Merge Dinitro” (hereinafter “Dinitro”).
5. On Saturday, July 29, YR-5, Wilson purchased the product Dinitro from Roe’s outlet store, “Roe’s Chemical Outlet,” located at 538 Fifth Street, Franklin, Roosevelt.
6. While using the product, on Friday, August 4, YR-5, Wilson was exposed to the weed-killer. Some of the chemicals in the product were absorbed into Wilson’s bloodstream.
7. As a direct result of this absorption, Wilson developed peripheral neuropathy and myopathy of his entire nervous system and body, resulting in all of the nerves, muscles, and tissues of his body becoming severely and permanently damaged, atrophied, and weakened.

8. As a result of his exposure to Dinitro, Wilson has and will continue to suffer severe pain, numbness, cramping, extreme fatigue, and total impotence.

9. Because of his pain and the permanency of his injuries, Wilson has suffered severe emotional distress and has permanently lost his ability to function as a farmer; he is fearful of developing cancer.

10. As a result of the aforesaid injuries, Wilson has incurred medical expenses in the sum of \$50,000 and will be required to expend large sums of money for further care and treatment in the future.

COUNT I

11. The Plaintiff, David O. Wilson, repeats and realleges Paragraphs 1-10 inclusive as if specifically set forth herein.

12. The Defendant's product directly and proximately caused Wilson's injuries and damages, and was and is unsafe for its intended purpose and created an unreasonable and hazardous condition.

13. The Defendant is liable under the State of Roosevelt's Manufacturer's Liability Statute by reason of:

- (a) failing to provide adequate warnings of the inherent danger of the product;
- (b) failing to provide adequate directions for safe and proper use of the product;
- (c) placing a dangerous product in the stream of commerce; and
- (d) designing, manufacturing, and marketing a container that was defective and was unreasonably dangerous for its foreseeable and intended use.

WHEREFORE the plaintiff, David O. Wilson, states that he has been damaged by the Defendant in the amount of \$2,500,000 and demands judgment in that amount, together with interest and costs.

COUNT II

14. The Plaintiff repeats and realleges paragraphs 1-13 of Count I.

15. The Defendant's product was negligently formulated, manufactured, and packaged.

16. The Defendant's said negligence was a direct and proximate cause of Wilson's injuries.

WHEREFORE the plaintiff, David O. Wilson, states that he has been damaged by the Defendant in the amount of \$2,500,000 and demands judgment in that amount, together with interest and costs.

COUNT III

17. Plaintiff, Debra B. Wilson, repeats and realleges paragraphs 1-16 of Counts I and II.

18. As a direct and proximate result of the injuries sustained by her husband Wilson, the Plaintiff, Debra B. Wilson, has lost and will lose in the future the services, society, companionship, and consortium of her husband.

WHEREFORE the plaintiff, Debra B. Wilson, states that she has been damaged by the Defendant in the amount of \$1,000,000 and demands judgment in that amount, together with interest and costs.

COUNT IV

19. Plaintiff, Debra B. Wilson, repeats and realleges paragraphs 1-18 of Counts I - III.

20. As a direct and proximate result of the injuries sustained by her husband, David O. Wilson, Plaintiff, Debra B. Wilson, has been required to remain home to care for her husband and operate the farm and has been unable to continue her college studies and therefore will suffer a loss of future earning capacity.

Wherefore the plaintiff, Debra B. Wilson, states that she has been damaged by the Defendant in an amount in excess of \$250,000 and demands judgment in that amount, together with interest and costs.

COUNT V

20. Plaintiffs, repeat and reallege paragraphs 1-19 of Counts I - IV.

21. The Plaintiffs claim that they are entitled to punitive damages as a result of the Defendant's strict liability and demand damages in an amount sufficient to punish the Defendant and deter such conduct.

WHEREFORE the plaintiffs demand judgment in an amount to be determined by the jury.

JURY CLAIM

Now come the Plaintiffs and demand a trial by jury of claims set forth in this Complaint and any subsequent amendments thereto and responsive pleadings.

The Plaintiffs,

By: 

By their Attorneys,
Alfred Thomas Allworth, Esquire
Allworth, Taylor, Lindner & Alton
31 Fifth Street
Franklin, Roosevelt 30640

Dated: July 27, YR-4