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87

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Newell Operating Company dba Bernzomatic Corporation, and Does 1 to 20, Inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
Richard Glenn, and Mary Glenn

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

VENTURA
SUPERIOR COURT
FILED

JUN 21 2007

MICHAEL D. PLANET
Clerk
DENISE M. LUGG
Deputy Clerk

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

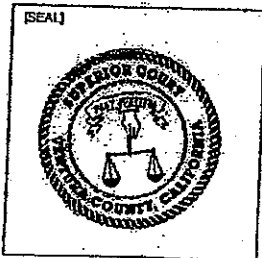
The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
800 South Victoria Avenue
Ventura, CA 93006-6489

CASE NUMBER:
(Número del Caso):
56-2007-00285785-CU-PL-VTA

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
David L. Shain (Bar # 109190) James Q. McDermott (Bar # 192572)
Ferguson Case Orr Paterson LLP Phone No. (805) 659-6800
1050 South Kimball Road, Ventura, CA 93004 Fax No. (805) 659-6818

DATE: JUN 21 2007 Clerk, by MICHAEL D. PLANET, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación, use el formulario Proof of Service of Summons, (POS-010).)



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): **NEWELL OPERATING COMPANY dba BERNZOMATIC CORPORATION**
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David L. Sham (State Bar # 109190) James Q. McDermott (State Bar # 192572) Ferguson Case Orr Paterson LLP 1050 South Kimball Road, Ventura, CA 93004 TELEPHONE NO: (805) 659-6800 FAX NO. (Optional): (805) 659-6818 E-MAIL ADDRESS (Optional): dshain@fcoplaw.com ATTORNEY FOR (Name): Plaintiffs Richard Glenn and Mary Glenn		PLD-PI-001 FOR COURT USE ONLY VENTURA SUPERIOR COURT FILED JUN 21 2007 MICHAEL E. PLANET Clerk of Superior Court DENISE M. LU
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA STREET ADDRESS: 800 South Victoria Avenue MAILING ADDRESS: P.O. Box 6489 CITY AND ZIP CODE: Ventura 93006-6489 BRANCH NAME: Ventura Courthouse		D.C.M./TRACK ASSIGNMENT <input type="checkbox"/> UNLAWFUL DETAINER <input type="checkbox"/> ECONOMIC <input checked="" type="checkbox"/> STANDARD <input type="checkbox"/> UNINSURED MOTORIST <input type="checkbox"/> TRACT COORD TO NOTIFY READ THE VENTURA COUNTY LOCAL RULES THAT GOVERN COMPLIANCE WITH FAST TRACT ASSIGNED COURT <u>U1</u>
PLAINTIFF: Richard Glenn and Mary Glenn DEFENDANT: Newell Operating Company dba Bernzomatic Corporation <input checked="" type="checkbox"/> DOES 1 TO 20		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Products Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		CASE NUMBER: 56-2007-00285785-CU-PL-VTA
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		

1. Plaintiff (name or names): Richard Glenn and Mary Glenn
 alleges causes of action against defendant (name or names): Newell Operating Company dba Bernzomatic Corporation

2. This pleading, including attachments and exhibits, consists of the following number of pages: 6

3. Each plaintiff named above is a competent adult

a. except plaintiff (name):

- (1) a corporation qualified to do business in California
- (2) an unincorporated entity (describe):
- (3) a public entity (describe):
- (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
- (5) other (specify):

b. except plaintiff (name):

- (1) a corporation qualified to do business in California
- (2) an unincorporated entity (describe):
- (3) a public entity (describe):
- (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
- (5) other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: Glenn v. Newell Operating Company dba Bernzomatic Corporation, et al.	CASE NUMBER:
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4. Plaintiff (name): Richard Glenn and Mary Glenn is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. except defendant (name): Newell Operating Company

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):

(4) a public entity (describe):

(5) other (specify):

c. except defendant (name):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):

(4) a public entity (describe):

(5) other (specify):

b. except defendant (name):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):

(4) a public entity (describe):

(5) other (specify):

d. except defendant (name):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):

(4) a public entity (describe):

(5) other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. Doe defendants (specify Doe numbers): 1-20 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. Doe defendants (specify Doe numbers): 1-20 are persons whose capacities are unknown to plaintiff.

7. Defendants who are joined under Code of Civil Procedure section 382 are (names): Doc I operates a business in Ventura County where it sold the product at issue to plaintiff Richard Glenn's employer.

8. This court is the proper court because

- a. at least one defendant now resides in its jurisdictional area.
- b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. injury to person or damage to personal property occurred in its jurisdictional area.
- d. other (specify):

9. Plaintiff is required to comply with a claims statute, and

- a. has complied with applicable claims statutes, or
- b. is excused from complying because (specify):

PLD-PI-001

SHORT TITLE: Glenn v. Newell Operating Company dba Bernzomatic Corporation, et al.	CASE NUMBER:
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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):
- a. Motor Vehicle
 - b. General Negligence
 - c. Intentional Tort
 - d. Products Liability
 - e. Premises Liability
 - f. Other (specify):
Loss of consortium.

11. Plaintiff has suffered
- a. wage loss
 - b. loss of use of property
 - c. hospital and medical expenses
 - d. general damage
 - e. property damage
 - f. loss of earning capacity
 - g. other damage (specify):

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a. listed in Attachment 12.
 - b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit, for such relief as is fair, just, and equitable; and for
- a. (1) compensatory damages
 - (2) punitive damages
- The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):
- (1) according to proof
 - (2) in the amount of \$.

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):
EX-1 and EX-2

Date: June 19, 2007

David L. Shain
(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(5)

SHORT TITLE: Glenn v. Newell Operating Company dba Bernzomatic Corporation, et al.	CASE NUMBER:
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FIRST CAUSE OF ACTION—Products Liability Page 4

ATTACHMENT TO Complaint Cross - Complaint
(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Richard Glenn

Prod. L-1. On or about (date): January 3, 2006 plaintiff was injured by the following product:
Plaintiff was working as a plumber in front of 1010 Grand View Avenue, Ojai, CA.
While soldering copper pipes with a Bernzomatic Turbo Torch affixed to a MAPP gas cylinder, the product failed, causing a powerful and uncontrolled flame to be directed at plaintiff's face and chest.

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being
 used in the manner intended by the defendants.
 used in the manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a
 purchaser of the product. user of the product.
 bystander to the use of the product. other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. Count One—Strict liability of the following defendants who
a. manufactured or assembled the product (names): Newell Operating Company dba Bernzomatic Corporation
 Does 1 to 20.
b. designed and manufactured component parts supplied to the manufacturer (names): Newell Operating Company dba Bernzomatic Corporation
 Does 1 to 20
c. sold the product to the public (names): Newell Operating Company dba Bernzomatic Corporation
 Does 1 to 20

Prod. L-5. Count Two—Negligence of the following defendants who owed a duty to plaintiff (names): Newell Operating Company dba Bernzomatic Corporation
 Does 1 to 20

Prod. L-6. Count Three—Breach of warranty by the following defendants (names): Newell Operating Company dba Bernzomatic Corporation
 Does 1 to 20
a. who breached an implied warranty
b. who breached an express warranty which was
 written oral

Prod. L-7. The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
 listed in Attachment-Prod. L-7 as follows:

PLD-PI-001(2)

SHORT TITLE: Glenn, et al. v. Newell Operating Company dba Bernzomatic Corporation, et al.	CASE NUMBER:
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SECOND
(number)

CAUSE OF ACTION—Loss of Consortium

Page 5

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Mary Glenn

alleges that defendant (name): Newell Operating Company dba Bernzomatic Corporation

Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): January 3, 2006

at (place): 1010 Grand View Avenue, Ojai, California, County of Ventura.

(description of reasons for liability):

Plaintiff incorporates the allegations of the First Cause of Action as though fully set forth herein.

Plaintiff Richard Glenn and plaintiff Mary Glenn are, and at all times herein, were husband and wife.

Prior to the injuries, plaintiff Richard Glenn was able to and did perform his duties as a spouse. Subsequent to the injuries and as a proximate result thereof, he has been unable to perform the necessary duties as a spouse, in that he no longer can perform the work and services usually performed by him in the care, maintenance and management of the family home. He will be unable to perform such work, services and duties in the future. Additionally, his ability to provide companionship and solace to plaintiff Mary Glenn has been diminished. By reason thereof, he has been diminished. By reason thereof, Mary Glenn has been deprived and will be deprived of the consortium of her spouse, including the performance of her spouse's necessary duties, as well as companionship and solace, all to her damage.

PLD-PI-001(6)

SHORT TITLE: Glenn v. Newell Operating Company dba Bernzomatic Corporation, et	CASE NUMBER
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Exemplary Damages Attachment

Page 6

ATTACHMENT TO Complaint Cross - Complaint

EX-1. As additional damages against defendant (name): Newell Operating Company dba Bernzomatic Corporation

Plaintiff alleges defendant was guilty of

- malice
- fraud
- oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Plaintiffs reallege and incorporate all allegations set forth above. Plaintiffs are informed and believe that at all times herein mentioned, defendants, and each of them, knew that the product herein described was defective in design and manufacture, and that said defects increased the risk of serious injury and death to users in normal use. Despite this knowledge, and notwithstanding the defendants' ability to redesign and manufacture the product without such defects, at minimal cost, defendants decided, despicably, and in willful and conscious disregard of the safety of such persons, to place the product on the market.

EX-3. The amount of exemplary damages sought is

- a. not shown, pursuant to Code of Civil Procedure section 425.10.
- b. \$

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): David L. Shain (State Bar # 109190) James Q. McDermott (State Bar # 192572) Ferguson Case Orr Paterson LLP 1050 South Kimball Road, Ventura, CA 93004		TELEPHONE NO.: (805) 659-6800 FAX NO.: (805) 659-6818	FOR COURT USE ONLY VENTURA SUPERIOR COURT FILED JUN 21 2007 MICHAEL J. ... DENISE M. LUG
BAR NO.: ATTORNEY FOR (Name): Plaintiffs Richard Glenn and Mary Glenn			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <input type="checkbox"/> 800 S. VICTORIA AVE., VENTURA CA. 93009 <input type="checkbox"/> 3855-F ALAMO ST. SIMI VALLEY, CA. 93063-2110			
PLAINTIFF/PETITIONER: Richard Glenn and Mary Glenn DEFENDANT/RESPONDENT: Newell Operating Company dba Bernzomatic Corporation, et al.			
DECLARATION FOR COURT ASSIGNMENT <i>(Family Law and Unlawful Detainer and all other General Civil actions ONLY)</i>		CASE NUMBER:	

Family Law, Domestic Violence, Paternity, Harassment, Unlawful Detainer, and all other General Civil actions presented for filing MUST be accompanied by this declaration.

The undersigned declares that the above entitled matter is filed for proceedings in the:

- East County Division, 3855-F Alamo St., Simi Valley, CA 93063 (Based upon Zip Code designation.)
- | | | | | |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> 91301 | <input type="checkbox"/> 91302 | <input type="checkbox"/> 91304 | <input type="checkbox"/> 91307 | <input type="checkbox"/> 91320 - Excluding Family Law |
| <input type="checkbox"/> 91360 | <input type="checkbox"/> 91361 | <input type="checkbox"/> 91362 | <input type="checkbox"/> 91377 | <input type="checkbox"/> 93020 |
| <input type="checkbox"/> 93062 | <input type="checkbox"/> 93063 | <input type="checkbox"/> 93064 | <input type="checkbox"/> 93065 | <input type="checkbox"/> 91363 |

Ventura Division, 800 S. Victoria Ave., Ventura, CA 93009 (Venue does NOT fall within the Zip Codes above but is within Ventura County.)

For the checked reason:

- | | |
|--------------------------------------------------------|------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Contract | Performance in the division is expressly provided for |
| <input type="checkbox"/> Equity | The cause of action arose within the division |
| <input type="checkbox"/> Eminent Domain | The property is located within the division |
| <input type="checkbox"/> Family Law | Plaintiff, defendant, petitioner or respondent resides within the division |
| <input type="checkbox"/> Harassment | Plaintiff, defendant, petitioner or respondent resides with the division |
| <input type="checkbox"/> Mandate | The defendant functions wholly within the division |
| <input type="checkbox"/> Name Change | The petitioner resides within the division |
| <input type="checkbox"/> Paternity | Plaintiff, defendant, petitioner or respondent resides within the division. |
| <input checked="" type="checkbox"/> Personal Injury | The injury occurred within the division or the defendant resides within the division |
| <input type="checkbox"/> Personal Property | The property is located within the division or the defendant resides within the division |
| <input type="checkbox"/> Prohibition | The defendant functions wholly within the division |
| <input type="checkbox"/> Review | The defendant functions wholly within the division |
| <input type="checkbox"/> Title to Real Property | The property is located within the division |
| <input type="checkbox"/> Unlawful Detainer | The property is located within the division |
| <input type="checkbox"/> Domestic Violence | Plaintiff, defendant, petitioner or respondent resides within the division |
| <input type="checkbox"/> Civil not otherwise specified | |

(Venue Rule Applicable)

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the division:

Name: Ojai, California, County of Ventura Address: 1010 Grand View Ave., Ojai, CA, County of Ventura

Upon information and belief, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 19, 2007

David L. Shain
Signature of Attorney/Party

Mandatory Form
VN027 (Rev. 01/01/04)

DECLARATION FOR COURT ASSIGNMENT

LexisNexis® Automated California County Forms

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David L. Shain (State Bar # 109190) James Q. McDermott (State Bar # 192572) Ferguson Case Orr Paterson LLP 1050 South Kimball Road, Ventura, CA 93004 TELEPHONE NO.: (805) 659-6800 FAX NO.: (805) 659-6818 ATTORNEY FOR (Name): Plaintiffs Richard Glenn and Mary Glenn		FOR COURT USE ONLY VENTURA SUPERIOR COURT FILED JUN 21 2007 DENISE M. LUG
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA STREET ADDRESS: 800 South Victoria Avenue MAILING ADDRESS: P.O. Box 6489 CITY AND ZIP CODE: Ventura 93006-6489 BRANCH NAME: Ventura Courthouse		
CASE NAME: Glenn v. Newell Operating Company dba Bernzomatic Corporation, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Complex Case Designation Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: JUDGE: DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/IPD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input checked="" type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/IPD/W/D (23) Non-P/IPD/W/D (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/IPD/W/D tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **TWO (2)**
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 19, 2007

David L. Shain
(TYPE OR PRINT NAME)

David L. Shain
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 (Rev. January 1, 2007)

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 3.220, 3.400-3.403;
Standards of Judicial Administration, § 7B
www.courtinfo.ca.gov

LexisNexis® Automated California Judicial Council Forms

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 5 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

- | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Auto Tort
 Auto (22)—Personal Injury/Property Damage/Wrongful Death
 Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
 Asbestos (04)
 Asbestos Property Damage
 Asbestos Personal Injury/Wrongful Death
 Product Liability (not asbestos or toxic/environmental) (24)
 Medical Malpractice (45)
 Medical Malpractice—Physicians & Surgeons
 Other Professional Health Care Malpractice
 Other PI/PD/WD (23)
 Premises Liability (e.g., slip and fall)
 Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 Intentional Infliction of Emotional Distress
 Negligent Infliction of Emotional Distress
 Other PI/PD/WD</p> <p>Non-PI/PD/WD (Other) Tort
 Business Tort/Unfair Business Practice (07)
 Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
 Defamation (e.g., slander, libel) (13)
 Fraud (16)
 Intellectual Property (19)
 Professional Negligence (25)
 Legal Malpractice
 Other Professional Malpractice (not medical or legal)
 Other Non-PI/PD/WD Tort (35)</p> <p>Employment
 Wrongful Termination (36)
 Other Employment (15)</p> | <p>Contract
 Breach of Contract/Warranty (06)
 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
 Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
 Negligent Breach of Contract/Warranty
 Other Breach of Contract/Warranty
 Collections (e.g., money owed, open book accounts) (09)
 Collection Case—Seller Plaintiff
 Other Promissory Note/Collections Case
 Insurance Coverage (not provisionally complex) (18)
 Auto Subrogation
 Other Coverage
 Other Contract (37)
 Contractual Fraud
 Other Contract Dispute</p> <p>Real Property
 Eminent Domain/Inverse Condemnation (14)
 Wrongful Eviction (33)
 Other Real Property (e.g., quiet title) (26)
 Writ of Possession of Real Property
 Mortgage Foreclosure
 Quiet Title
 Other Real Property (not eminent domain, landlord/tenant, or foreclosure)</p> <p>Unlawful Detainer
 Commercial (31)
 Residential (32)
 Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)</p> <p>Judicial Review
 Asset Forfeiture (05)
 Petition Re: Arbitration Award (11)
 Writ of Mandate (02)
 Writ Administrative Mandamus
 Writ Mandamus on Limited Court Case Matter
 Writ—Other Limited Court Case Review
 Other Judicial Review (39)
 Review of Health Officer Order
 Notice of Appeal—Labor
 Commissioner Appeals</p> | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
 Antitrust/Trade Regulation (03)
 Construction Defect (10)
 Claims Involving Mass Tort (40)
 Securities Litigation (28)
 Environmental/Toxic Tort (30)
 Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)</p> <p>Enforcement of Judgment
 Enforcement of Judgment (20)
 Abstract of Judgment (Out of County)
 Confession of Judgment (non-domestic relations)
 Sister State Judgment
 Administrative Agency Award (not unpaid taxes)
 Petition/Certification of Entry of Judgment on Unpaid Taxes
 Other Enforcement of Judgment Case</p> <p>Miscellaneous Civil Complaint
 RICO (27)
 Other Complaint (not specified above) (42)
 Declaratory Relief Only
 Injunctive Relief Only (non-harassment)
 Mechanics Lien
 Other Commercial Complaint Case (non-tort/non-complex)
 Other Civil Complaint (non-tort/non-complex)</p> <p>Miscellaneous Civil Petition
 Partnership and Corporate Governance (21)
 Other Petition (not specified above) (43)
 Civil Harassment
 Workplace Violence
 Elder/Dependent Adult Abuse
 Election Contest
 Petition for Name Change
 Petition for Relief from Late Claim
 Other Civil Petition</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

ATTORNEY OF PARTY WITHOUT ATTORNEY (Name and Address) David L. Shain (State Bar # 109190) James Q. McDermott (State Bar # 192572) Ferguson Case Orr Paterson LLP 1050 South Kimball Road, Ventura, California 93004 Telephone Number: (804) 659-6800 FAX NO.: (805) 659-6818 E-MAIL ADDRESS: dshain@fcoplaw.com ATTORNEY FOR (Name): Plaintiffs Richard Glenn and Mary Glenn		VN010 FOR COURT USE ONLY SUPERIOR COURT FILED JUN 21 2007 MICHAEL D. FLETCHER CLERK OF COURT DENISE M. LUGO
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <input checked="" type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 <input type="checkbox"/> 3855 - F ALAMO ST. SIMI VALLEY, CA 93063-2110 <input type="checkbox"/> Civil Limited Case		
PLAINTIFF/PETITIONER Richard Glenn and Mary Glenn DEFENDANT/RESPONDENT Newell Operating Company dba Bernzomatic Corporation, et al		
CASE INFORMATION SHEET		CASE NUMBER:

1. CASE TYPE CATEGORY: (If multiple counts, select principal count.)
- Unlawful Detainer
 - Collections
 - Bills and Notes
 - Subrogation
 - Uninsured Motorist
 - Medical Malpractice: Licensing Agency _____ Medical License# _____
 - Contracts
 - Negligence/Personal Injury/Wrongful Death
 - Automobile Negligence
 - Products Liability
 - Other: _____

2. TRACK ASSIGNMENT REQUESTED: (Mandatory)
- Unlawful Detainer - Case to be completed within 90 days.
 - Economic Litigation Case (Limited Civil) - Case to be completed within 1 year.
 - Uninsured Motorist - Case to be tracked at 180 days.
 - Standard (Unlimited Civil) - Case to be completed within 1 year.
 - Complex - Time limits determined by Judge. Requests for Complex track are submitted to assigned judge, the plaintiff will be notified.

3. MEDIATION INFORMATION (Case description) For purpose of assignment to mediation, the following case types qualify:
- a.
- Neighbor-to-Neighbor Dispute
 - Homeowner's Association and CC&R Dispute
 - Business/Partnership Dispute and/or Dissolution Dispute
 - Real Estate Dispute
 - Breach of Contract (Not Money/Collections)
 - I Volunteer for Mediation, dispute not included in above. (Personal injury cases are ineligible for mediation)
 - Sexual Harassment
 - Employment Dispute
 - Discrimination
 - Repair/Remodel Dispute
 - Code Enforcement Dispute
- b. I have engaged in voluntary mediation within the past 90 days. Date of mediation: _____
 Mediator's Name and Address: _____

4. JURY TRIAL DEMANDED: Yes No ESTIMATED TRIAL TIME: 5-7 Days
5. Is this action related to any other action pending in any other court? Yes No
 If "yes", a. Court in which action is pending: _____
 b. Title of Action: _____ c. Case number: _____

If you later become aware of a related case, file and serve a notice of related case. You can use Judicial Council

NOTE: Reverse side of this form must be completed in full.

VN010 Mandatory Form
(Rev 07/01/06)

CASE INFORMATION SHEET

LexisNexis®

NOTICE TO PLAINTIFFS: The Court requires that the following information be provided in order that this case may be properly managed pursuant by the Delay Reduction Rules mandated by the Legislature and the Judicial Council.

1. Set forth a concise statement of the nature of the case.
On January 3, 2006, plaintiff Richard Glenn was working as a plumber in front of 1010 Grand View Avenue, Ojai, CA. While soldering copper pipes with a Bernzomatic Turbo Torch affixed to a MAPP gas cylinder, the product failed, causing a powerful and uncontrolled flame to be directed at Glenn's face and chest.

2. Give a concise description of the injury, damages and/or loss the Plaintiff claims to have suffered.
Plaintiff Richard Glenn sustained personal injuries, including severe burns to his face, chest and arms, requiring numerous surgeries, and a lengthy period of hospitalization and rehabilitation.

Plaintiff Mary Glenn, wife of Richard Glenn, is making a claim for loss of consortium.

3. List all general and special damages claimed, including but not limited to, medical expenses (past and future), loss of earnings, property damages, and any other specific monetary damages that apply in your particular case.
Currently, plaintiff Richard Glenn has incurred medical specials in the amount of approximately \$924,887 and loss of earnings. Future medical specials and lost earnings are anticipated.

4. Set forth any equitable relief sought by Plaintiff

ATTORNEY OF PARTY WITHOUT ATTORNEY (Name and Address) David L. Shain (Bar # 109190) James Q. McDermott (Bar No. 192572) Ferguson Case Orr Paterson LLP 1050 South Kimball Road, Ventura, CA 93004	Telephone Number (805) 659-6800 FAX NO: (805) 659-6818	FOR COURT USE ONLY
ATTORNEY FOR (Name): Plaintiffs Richard Glenn and Mary Glenn SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA		
<input checked="" type="checkbox"/> 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 <input type="checkbox"/> 3855 - F ALAMO ST. SIMI VALLEY, CA 93063-2210		
PLAINTIFF: Richard Glenn and Mary Glenn DEFENDANT: Newell Operating Company dba Bernzomatic Corporation		
VOLUNTARY EARLY CIVIL MEDIATION QUESTIONNAIRE (Local Rule No. 24.00)		CASE NUMBER: 56-2007-00285785-CU-PL-VTA

The parties are required to meet and confer re: selection of ADR procedure and must jointly submit this ADR Questionnaire on the date that the responsive pleading is required. Extensions of time granted by the parties for filing of responsive pleading will not extend the time deadline for filing of this questionnaire. (Local Rule No.24.04)

If the parties elect to participate in the Ventura Superior Court Voluntary Early Civil Mediation Program, normal discovery procedures and deadlines will be suspended for 150 days and limited discovery shall be conducted pursuant to C.C.P. §94. Suspension of discovery deadlines applies only when the parties elect to participate in the Ventura Superior Court Voluntary Early Civil Mediation Program.

The parties elect as follows:

A. Pursuant to Local Rule No. 24.00, the parties elect to participate in the Voluntary Early Civil Mediation Program, with the following type of mediator.

- Pro-bono mediator
- Party-pay neutral

The mediator to be selected as follows:

- Mediator selected by the parties from Court Web site
- Private mediator (not on Court panel)

B. The parties decline to participate in the Voluntary Early Civil Mediation Program. The Court will assign the parties to mediation, early settlement conference, or arbitration. Normal discovery rules and deadlines shall apply, as per Local Rules.

Dated: _____

Attorney for

Dated: _____

Attorney for

Dated: _____

Attorney for

Note: Whether or not the parties decide to participate in the Voluntary Early Civil Mediation Program, this form must be executed by all parties or their counsel and filed at the time of the last defendant's first appearance (Ventura County Local Rule 24.04). Failure to file this form may result in your required appearance at a Case Management hearing and sanctions being imposed.

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

MARK LOEWES

-vs- No _____

THE BERNZOMATIC CORPORATION, et al.

CIVIL ACTION COVER SHEET

A Civil Action Cover Sheet shall be filed with the complaint in all civil actions in the Law Division. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate general category and then check the sub-category thereunder, if applicable, which best characterizes your action.

- Jury Demand - Fee Paid
- Jury Demand - No Fee Required

X PERSONAL INJURY/WRONGFUL DEATH

- 027 Motor Vehicle
- 040 Medical Malpractice
- 047 Asbestos
- 048 Dram Shop
- 049 Product Liability
- 051 Construction Injuries
(including Structural Work Act, Road
Construction Injuries and negligence)
- 052 Railroad/FELA
- 061 Other Personal Injury/Wrongful Death
- 063 Intentional Tort
- 064 Miscellaneous Statutory Action
(Please Specify)

COMMERCIAL LITIGATION

- 002 Breach of Contract
- 070 Professional Malpractice
(other than legal or medical)
- 071 Fraud
- 072 Consumer Fraud
- 073 Breach of Warranty
- 074 Statutory Action
(Please Specify)

- 075 Other Commercial Litigation
(Please Specify)

- 065 Premises Liability

- 076 Retaliatory Discharge

- PROPERTY DAMAGE
- LEGAL MALPRACTICE
- MISCELLANEOUS REMEDIES

- 077 LIBEL/SLANDER

- 007 Confession of Judgment
- 008 Replevin
- 009 Tax
- 015 Condemnation
- 017 Detinue
- 018 Distress for Rent
- 036 Administrative Review Action
- 041 Class Action
- 084 Petition to Issue Subpoena
- 085 Petition to Register Foreign Judgment
- 099 All Other Extraordinary Remedies
- 100 Petition for Discovery

GOLDSTEIN & FLUXGOLD, LLC
33 North Dearborn Street
Suite 1015
Chicago, Illinois 60602
(312) 726-7772

By:

(Attorney)

(Pro Se)

PLEASE CHECK IF THIS IS A SUBROGATION ACTION