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)	
Petitioner/Plaintiff,)	
)	
Vs.)	
)	
)	
Respondent/Defendant)	
)	

NO. _____

1. Plaintiff, Plaintiff, is over the age of nineteen (19) years, and is a resident citizen of _____ County, _____.

3. Defendants _____ were _____
and are individuals over the age of nineteen (19) years and resident citizens of the State of _____.

5. John Doe I, John Doe II, John Doe III, John Doe IV, and John Doe V, who are those persons, firms, associations, corporations, partnerships or other entities whose names and

identities are otherwise unknown to the Plaintiff at this time but who will be added by amendment when ascertained and who manufactured, designed, engineered, sold, supplied, assembled and/or inspected the products involved in this litigation which were 55 gallon drums used for containing varying amounts of motor oil at various times and which were stored empty on the premises of Plaintiff's employer, and then given to Plaintiff by his employer to cut in half and dispose of in a junk yard, and/or who failed to warn the Plaintiff of an unsafe or dangerous condition with said barrels and/or who failed to design the barrels without appropriate safety measures which would have prevented or lessened the Plaintiff's injury and/or who designed the product involved in this litigation as an intrinsically and inherently dangerous product from which Plaintiff would suffer injury, and/or who was a previous owner of said product and who failed to maintain or who removed warnings, or other protective devices which would have prevented or lessened Plaintiff's injury and/or who failed to design out the unsafe or dangerous condition which caused or contributed to Plaintiff's injury and/or who removed or failed to maintain safe guards or safety devices which were installed on the product at the time of manufacture and/or who failed to attach or add a proper safe guard, barrier or safety device and/or who knew of the need for a safety device or measure and/or who knew or should have known of the hazards, risks or unsafe conditions to which Plaintiff was exposed while doing the work assigned to him by his employer and/or who failed to provide warnings, drawings, or other literature which would have warned the Plaintiff of the risk of the dangers which caused his injuries and/or which would have provided to Plaintiff's employer information about the need to add such warnings about the hazards and safety of the product involved in this litigation and/or who failed to warn Plaintiff and/or Plaintiff's employer of the risk, unsafe conditions and hazards which caused Plaintiff's injury, and/or who provided Plaintiff and/or Plaintiff's employer with inadequate warnings and/or inadequate operational instructions.

6. On or about the _____ day of _____, 20____, the Plaintiff received the injuries and damages he complains of herein while working at the instructions and direction of his employer, _____ in _____ County, _____. Plaintiff had been instructed to take 20 to 30 barrels to his home to cut those in half and dispose of them in a dump. While Plaintiff was cutting one of the barrels in half, it “blew up” and severely burned portions of Plaintiff’s body.

7. Plaintiff alleges that the products involved in this case, and particularly the barrel which exploded, were used empty 55-gallon drums, which Plaintiff learned after the incident had occurred, to contain oil from _____ Corporation. The Plaintiff had been specifically told by his employer to take the barrels from the mechanic shop where Plaintiff worked for said employer, cut them in half and take them to a junk yard. Plaintiff was to be paid \$10.00 per barrel he disposed of in this manner.

8. Plaintiff alleges that the Defendant knew or in the exercise of reasonable care should have known about the unsafe conditions, unreasonably, intrinsically, and inherent dangerous hazards and risks to which Plaintiff was exposed while working on the barrels as instructed.

COUNT ONE

9. Plaintiff adopts and realleges paragraphs 1 through 8.

10. Plaintiff alleges that his injuries and damages were caused as a proximate result of one or more of the following negligent actions or omissions of Defendants:

- (a) In failing to design, engineer and/or furnish barrels (hereinafter referred to as “product”) that were fit for their intended purpose and/or safe for their use and disposal;
- (b) In failing to warn the Plaintiff of the unsafe or dangerous condition which caused or contributed to his injury;

- (c) In failing to warn the Plaintiff of the inherently and intrinsically dangerousness of and associated with the product and in the disposal thereof;
- (d) In failing to include on the product, the proper or appropriate procedure and guidance on the use and disposal of the product which would have prevented Plaintiff's injury;
- (e) In removing, or failing to maintain, a safety warning or other device which was or should have been put on the product at the time of manufacture and distribution;
- (f) In failing to maintain or in removing warnings or other safety devices which would communicate to the Plaintiff the risk or hazard which caused his injury;
- (g) In failing to properly instruct Plaintiff in the proper disposal of said product;
- (h) In failing to provide an adequate instruction manual with proper instructions or warnings as to use and disposal of said product;
- (i) In failing to attach or affix to the product adequate and specific warnings or operating instructions as to use and disposal of said product;
- (j) In failing to inspect the product for safety or unsafe conditions at the time of manufacture, distribution, and the time of giving the instructions as to the product's disposal;
- (k) In failing to provide to Plaintiff's employer a manual, documents or verbal instructions or warnings about the need to dispose of the product in a certain manner and about the inherent and intrinsically dangerousness of the product and disposal thereof in certain manners and which addressed the risk to which Plaintiff was exposed at the time of his injury;
- (l) In failing to furnish Plaintiff's employer and Plaintiff literature or warnings about the hazards or known injuries to workers while attempting to dispose of the product

as Plaintiff was doing at the time of his injury;

(m) In instructing the Plaintiff to cut the product in half prior to disposing;

(n) In instructing the Plaintiff to cut the product in half prior to disposal without warning the Plaintiff of the dangers and risks involved in said activity;

(o) In failing to use due and proper care under the circumstances.

12. As a proximate consequence of the said negligence of the Defendants as stated, Plaintiff was caused to suffer the following injuries and damages:

(a) Plaintiff suffered multiple and severe burns and lacerations to numerous parts of his body when his body caught on fire due to the barrel exploding;

(b) His injuries are permanent; he has lost wages and will lose future wages and/or his earning capacity has been diminished;

(c) He has incurred medical expenses and will incur future medical expenses;

(d) He has suffered scarring and disfigurement; and

(e) He has suffered much physical pain, mental anguish, stress and anxiety and will suffer same in the future.

WHEREFORE, Plaintiff demands judgment and damages against all Defendants in excess of the jurisdictional limits of this court for such sum as he may be entitled to receive by law together with interest and costs.

COUNT TWO

13. Plaintiff adopts and realleges paragraphs 1 through 12 except that Plaintiff substitutes the words “wanton” for “negligent” and “wantonness” for “negligence”.

WHEREFORE, Plaintiff demands judgment and damages against all Defendants in excess of the jurisdictional limits of this court for such sum as he may be entitled to receive by law, including punitive or exemplary damages, together with interest and costs.

COUNT THREE

14. Plaintiff adopts and realleges paragraphs 1 through 13. Plaintiff brings this cause of action against Defendants pursuant to the _____ Extended Manufacturer's Liability Doctrine,

15. Plaintiff alleges that the Defendants manufactured, produced, sold, distributed and/or marketed the products involved in this litigation and/or the component parts thereof which caused or contributed to Plaintiff's injuries and damages.

16. The Defendants' product was intended to and did in fact reach the Plaintiff without substantial change in their condition after they left the Defendants' possession.

17. Plaintiff alleges that Defendants' product was at the time they left Defendants' possessions, defective and unreasonably dangerous for its intended use and inherently and intrinsically dangerous for its intended use and disposal.

18. The product of the Defendants, while being used in its intended manner, proximately caused or contributed to the injuries and damages complained of herein because of its defective and unreasonably dangerous design, warnings, distribution, marketing, construction and/or condition.

19. As a proximate result of the aforesaid, Plaintiff was caused to suffer the following injuries and damages:

- (a) Plaintiff suffered multiple and severe burns and lacerations to numerous parts of his body when his body caught on fire due to barrel exploding;
- (b) His injuries are permanent;
- (c) He has lost wages and will lose future wages and/or his earning capacity has been diminished;
- (d) He has incurred medical expenses and will incur future medical expenses;

he has suffered scaring and disfigurement; and

- (e) He has suffered much physical pain, mental anguish, stress and anxiety and will suffer same in the future.

WHEREFORE, Plaintiff demands judgment against all Defendants in excess of the jurisdictional limits of this court for such sum as he may be entitled to receive by law together with interest and costs._

PLAINTIFF RESPECTFULLY REQUESTS A TRIAL BY JURY AS TO ALL COUNTS.

Respectfully submitted,

Dated: _____

Name:

Title:

Address:

Address:

City, State, Zip:

Phone:

Fax:

E-Mail:

Attorney No.:

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day mailed,
U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing to
_____, at the following address;

THIS the ____ day of _____, 20____.

BY: _____
Plaintiff's attorney

Defendants are to be served as follows:

Defendant 1 (Personal Service by the Sheriff's
Department)

Defendant 2 (Personal Service by the Sheriff's Department)

Defendant 3 (Certified Mail,
Return Receipt Requested)

