

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

ROCHELLE BEETS, INDIVIDUALLY and
as ADMINISTRATOR OF THE ESTATE
OF JAMES BEETS, Deceased

Plaintiff,

v.

THE CLOROX COMPANY, a foreign
corporation, ROYAL OAK ENTERPRISES,
INC., a foreign corporation, and ROYAL
OAK CHARCOAL, LLC, a foreign
corporation,

Defendants.

No.

Plaintiff Demands Trial by Jury

FILED-11
2008 JAN 14 AM 9:44
DOROTHY BROWN
CLERK OF CIRCUIT COURT
LAW DIVISION

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TIME 00:00
Product Liability

COMPLAINT AT LAW

Plaintiff, Rochelle Beets, Individually, and as Administrator of the Estate of James Beets, Deceased, for her Complaint against defendants, The Clorox Company, a foreign corporation ("Clorox"), Royal Oak Enterprises, Inc., a foreign corporation ("Royal Oak Enterprises"), and Royal Oak Charcoal, LLC, a foreign corporation ("Royal Oak Charcoal"), and each of them, alleges as follows:

COUNT I

Strict Product Liability - Survival Act - The Clorox Company

Plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, alleges:

1. On and prior to September 10, 2006, defendant, Clorox, was a duly licensed corporation in the State of California, engaged in the business of manufacturing Kingsford charcoal briquettes for commercial and residential usage; and in said business, marketed,

advertised, delivered and sold charcoal briquettes in Illinois to commercial and residential consumers, including the Weber Grill Restaurant.

2. Prior to September 10, 2006, plaintiff's decedent, James Beets, was the Master Chef at The Weber Grill Restaurant, located on Milwaukee Avenue in Wheeling, Illinois, and other Weber Grill facilities, and had been gainfully employed by Weber Grill for more than ten years.

3. While working at the Weber Grill Restaurant, plaintiff's decedent, James Beets, was required to utilize Kingsford charcoal briquettes on Weber grills within the restaurant facilities for the preparation of grilled foods and meats.

4. At all times and places relevant, plaintiff's decedent, James Beets, was in the exercise of ordinary care and caution for his own safety.

5. At the time the Kingsford charcoal briquettes left the control of the defendant, Clorox, they were unreasonably dangerous in one or more of the following respects:

- a. Said briquettes contained benzenes, which is a cause for multiple myeloma;
- b. Failed to incorporate warnings as to the potential hazard of using said briquettes inside buildings, which could cause multiple myeloma;
- c. Was otherwise defectively manufactured.

6. In May, 2004, plaintiff's decedent, James Beets, was diagnosed with multiple myeloma.

7. In June, 2006, plaintiff's decedent, James Beets, was told by his medical provider that the cause of his cancer was inhalation of benzene chemicals.

8. As a direct and proximate result of one or more of the foregoing defects in said

Kingsford charcoal briquettes, plaintiff's decedent, James Beets, sustained personal injuries, including conscious pain and suffering from May, 2004, until the time of his death on September 10, 2006, which would have entitled him to bring a cause of action, and this cause of action has survived him.

9. Rochelle Beets is the Court appointed Administrator of the Estate of James Beets, Deceased, and as such brings this cause of action on behalf of the estate of the decedent, pursuant to 755 ILCS 5/27-6, commonly known as the Survival Act of the State of Illinois.

10. Plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, brings this cause of action within two (2) years of the time James Beets had reason to believe the benzene from charcoal caused his cancer.

WHEREFORE, plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, demands judgment against defendant, The Clorox Company, a foreign corporation, for a sum of money in excess of the jurisdictional limits established in the Law Division in the Circuit Court of Cook County.

COUNT II

Strict Product Liability - Wrongful Death - The Clorox Company

Plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, alleges:

1. On and prior to September 10, 2006, defendant, Clorox, was a duly licensed corporation in the State of California, engaged in the business of manufacturing Kingsford charcoal briquettes for commercial and residential usage; and in said business, marketed, advertised, delivered and sold charcoal briquettes in Illinois to commercial and residential consumers, including the Weber Grill Restaurant.

2. Prior to September 10, 2006, plaintiff's decedent, James Beets, was the Master Chef at The Weber Grill Restaurant, located on Milwaukee Avenue in Wheeling, Illinois, and other Weber Grill facilities, and had been gainfully employed by Weber Grill for more than ten years.

3. While working at the Weber Grill Restaurant, plaintiff's decedent, James Beets, was required to utilize Kingsford charcoal briquettes on Weber grills within the restaurant facilities for the preparation of grilled foods and meats.

4. At all times and places relevant, plaintiff's decedent, James Beets, was in the exercise of ordinary care and caution for his own safety.

5. At the time the Kingsford charcoal briquettes left the control of the defendant, Clorox, they were unreasonably dangerous in one or more of the following respects:

- a. Said briquettes contained benzenes, which is a cause for multiple myeloma;
- b. Failed to incorporate warnings as to the potential hazard of using said briquettes inside buildings, which could cause multiple myeloma;
- c. Was otherwise defectively manufactured.

6. As a proximate result of the usage of said Kingsford charcoal briquettes, plaintiff's decedent, James Beets, sustained injuries which led to his death on September 10, 2006.

7. At the time of his death, plaintiff's decedent, James Beets, was survived by his wife, Rochelle Beets, who has suffered personal and pecuniary losses, including the loss of his society and companionship.

8. Rochelle Beets is the Court appointed Administrator of the Estate of James Beets,

Deceased, and as such brings this cause of action on behalf of the estate of the decedent, pursuant to the Illinois Wrongful Death Act 740 ILCS 180/1, *et seq.*

WHEREFORE, plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, demands judgment against defendant, The Clorox Company, a foreign corporation, for a sum of money in excess of the jurisdictional limits established in the Law Division in the Circuit Court of Cook County.

COUNT III

Strict Product Liability - Survival - Royal Oak Enterprises, Inc.

Plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, alleges:

1. On and prior to September 10, 2006, defendant, Royal Oak Enterprises, was a duly licensed corporation in the State of Delaware, engaged in the business of manufacturing Royal Oak charcoal briquettes for commercial and residential usage; and in said business, marketed, advertised, delivered and sold charcoal briquettes in Illinois to commercial and residential consumers, including the Weber Grill Restaurant.
2. Prior to September 10, 2006, plaintiff's decedent, James Beets, was the Master Chef at The Weber Grill Restaurant, located on Milwaukee Avenue in Wheeling, Illinois, and other Weber Grill facilities, and had been gainfully employed by Weber Grill for more than ten years.
3. While working at the Weber Grill Restaurant, plaintiff's decedent, James Beets, was required to utilize Royal Oak charcoal briquettes on Weber grills within the restaurant facilities for the preparation of grilled foods and meats.
4. At all times and places relevant, plaintiff's decedent, James Beets, was in the

exercise of ordinary care and caution for his own safety.

5. At the time the Royal Oak charcoal briquettes left the control of the defendant, Royal Oak Enterprises, they were unreasonably dangerous in one or more of the following respects:

- a. Said briquettes contained benzenes, which is a cause for multiple myeloma;
- b. Failed to incorporate warnings as to the potential hazard of using said briquettes inside buildings, which could cause multiple myeloma;
- c. Was otherwise defectively manufactured.

6. In May, 2004, plaintiff's decedent, James Beets, was diagnosed with multiple myeloma.

7. In June, 2006, plaintiff's decedent, James Beets, was told by his medical provider the cause of his cancer was inhalation of benzene chemicals.

8. As a direct and proximate result of one or more of the foregoing defects in said Royal Oak charcoal briquettes, plaintiff's decedent, James Beets, sustained personal injuries, including conscious pain and suffering from May, 2004, until the time of his death on September 10, 2006, which would have entitled him to bring a cause of action, and this cause of action has survived him.

9. Rochelle Beets is the Court appointed Administrator of the Estate of James Beets, Deceased, and as such brings this cause of action on behalf of the estate of the decedent, pursuant to 755 ILCS 5/27-6, commonly known as the Survival Act of the State of Illinois.

10. Rochelle Beets, Administrator of the Estate of James Beets, Deceased, brings this cause of action within two (2) years of the time James Beets had reason to believe the benzene

from charcoal caused his cancer.

WHEREFORE, plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, demands judgment against defendant, Royal Oak Enterprises, Inc., a foreign corporation, for a sum of money in excess of the jurisdictional limits established in the Law Division in the Circuit Court of Cook County.

COUNT IV

Strict Product Liability - Wrongful Death - Royal Oak Enterprises, Inc.

Plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, alleges:

1. On and prior to September 10, 2006, defendant, Royal Oak Enterprises, was a duly licensed corporation in the State of Delaware, engaged in the business of manufacturing Royal Oak charcoal briquettes for commercial and residential usage; and in said business, marketed, advertised, delivered and sold charcoal briquettes in Illinois to commercial and residential consumers, including the Weber Grill Restaurant.

2. Prior to September 10, 2006, plaintiff's decedent, James Beets, was the Master Chef at The Weber Grill Restaurant, located on Milwaukee Avenue in Wheeling, Illinois, and other Weber Grill facilities, and had been gainfully employed by Weber Grill for more than ten years.

3. While working at the Weber Grill Restaurant, plaintiff's decedent, James Beets, was required to utilize Royal Oak charcoal briquettes on Weber grills within the restaurant facilities for the preparation of grilled foods and meats.

4. At all times and places relevant, plaintiff's decedent, James Beets, was in the exercise of ordinary care and caution for his own safety.

5. At the time the Royal Oak charcoal briquettes left the control of the defendant, Royal Oak Enterprises, they were unreasonably dangerous in one or more of the following respects:

- a. Said briquettes contained benzenes, which is a cause for multiple myeloma;
- b. Failed to incorporate warnings as to the potential hazard of using said briquettes inside buildings, which could cause multiple myeloma;
- c. Was otherwise defectively manufactured.

6. As a proximate result of the usage of said Royal Oak charcoal briquettes, plaintiff's decedent, James Beets, sustained injuries which led to his death on September 10, 2006.

7. At the time of his death, plaintiff's decedent, James Beets, was survived by his wife, Rochelle Beets, who has suffered personal and pecuniary losses, including the loss of his society and companionship.

8. Rochelle Beets is the Court appointed Administrator of the Estate of James Beets, Deceased, and as such brings this cause of action on behalf of the estate of the decedent, pursuant to the Illinois Wrongful Death Act 740 ILCS 180/1, *et seq.*

WHEREFORE, plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, demands judgment against defendant, Royal Oak Enterprise, Inc., a foreign corporation, for a sum of money in excess of the jurisdictional limits established in the Law Division in the Circuit Court of Cook County.

COUNT VI

Strict Product Liability - Survival - Royal Oak Charcoal, LLC

Plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, alleges:

1. On and prior to September 10, 2006, defendant, Royal Oak Charcoal, was a duly licensed corporation in the State of Delaware, engaged in the business of manufacturing Royal Oak charcoal briquettes for commercial and residential usage; and in said business, marketed, advertised, delivered and sold charcoal briquettes in Illinois to commercial and residential consumers, including the Weber Grill Restaurant.

2. Prior to September 10, 2006, plaintiff's decedent, James Beets, was the Master Chef at The Weber Grill Restaurant, located on Milwaukee Avenue in Wheeling, Illinois, and other Weber Grill facilities, and had been gainfully employed by Weber Grill for more than ten years.

3. While working at the Weber Grill Restaurant, plaintiff's decedent, James Beets, was required to utilize Royal Oak charcoal briquettes on Weber grills within the restaurant facilities for the preparation of grilled foods and meats.

4. At all times and places relevant, plaintiff's decedent, James Beets, was in the exercise of ordinary care and caution for his own safety.

5. At the time the Royal Oak charcoal briquettes left the control of the defendant, Royal Oak Charcoal, they were unreasonably dangerous in one or more of the following respects:

- a. Said briquettes contained benzenes, which is a cause for multiple myeloma;
- b. Failed to incorporate warnings as to the potential hazard of using said briquettes inside buildings, which could cause multiple myeloma;

c. Was otherwise defectively manufactured.

6. In May, 2004, plaintiff's decedent, James Beets, was diagnosed with multiple myeloma.

7. In June, 2006, plaintiff's decedent, James Beets, was told by his medical provider the cause of his cancer was inhalation of benzene chemicals.

8. As a direct and proximate result of one or more of the foregoing defects in said Royal Oak charcoal briquettes, plaintiff's decedent, James Beets, sustained personal injuries, including conscious pain and suffering from May, 2004, until the time of his death on September 10, 2006, which would have entitled him to bring a cause of action, and this cause of action has survived him.

9. Rochelle Beets is the Court appointed Administrator of the Estate of James Beets, Deceased, and as such brings this cause of action on behalf of the estate of the decedent, pursuant to 755 ILCS 5/27-6, commonly known as the Survival Act of the State of Illinois.

10. Rochelle Beets, Administrator of the Estate of James Beets, Deceased, brings this cause of action within two (2) years of the time James Beets had reason to believe the benzene from charcoal caused his cancer.

WHEREFORE, plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, demands judgment against defendant, Defendant, Royal Oak Charcoal, LLC, a foreign corporation, for a sum of money in excess of the jurisdictional limits established in the Law Division in the Circuit Court of Cook County.

COUNT VI

Strict Product Liability - Wrongful Death - Royal Oak Charcoal, LLC

Plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, alleges:

1. On and prior to September 10, 2006, defendant, Royal Oak Charcoal, was a duly licensed corporation in the State of Delaware, engaged in the business of manufacturing Royal Oak charcoal briquettes for commercial and residential usage; and in said business, marketed, advertised, delivered and sold charcoal briquettes in Illinois to commercial and residential consumers, including the Weber Grill Restaurant.
2. Prior to September 10, 2006, plaintiff's decedent, James Beets, was the Master Chef at The Weber Grill Restaurant, located on Milwaukee Avenue in Wheeling, Illinois, and other Weber Grill facilities, and had been gainfully employed by Weber Grill for more than ten years.
3. While working at the Weber Grill Restaurant, plaintiff's decedent, James Beets, was required to utilize Royal Oak charcoal briquettes on Weber grills within the restaurant facilities for the preparation of grilled foods and meats.
4. At all times and places relevant, plaintiff's decedent, James Beets, was in the exercise of ordinary care and caution for his own safety.
5. At the time the Royal Oak charcoal briquettes left the control of the defendant, Royal Oak Charcoal, they were unreasonably dangerous in one or more of the following respects:
 - a. Said briquettes contained benzenes, which is a cause for multiple myeloma;
 - b. Failed to incorporate warnings as to the potential hazard of using said briquettes inside buildings, which could cause multiple myeloma;

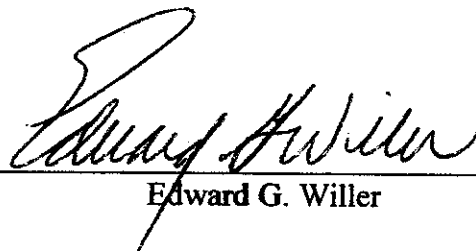
c. Was otherwise defectively manufactured.

6. As a proximate result of the usage of said Royal Oak charcoal briquettes, plaintiff's decedent, James Beets, sustained injuries which led to his death on September 10, 2006.

7. At the time of his death, plaintiff's decedent, James Beets, was survived by his wife, Rochelle Beets, who has suffered personal and pecuniary losses, including the loss of his society and companionship.

8. Rochelle Beets is the Court appointed Administrator of the Estate of James Beets, Deceased, and as such brings this cause of action on behalf of the estate of the decedent, pursuant to the Illinois Wrongful Death Act 740 ILCS 180/1, *et seq.*

WHEREFORE, plaintiff, Rochelle Beets, Administrator of the Estate of James Beets, Deceased, demands judgment against defendant, Royal Oak Charcoal, LLC, a foreign corporation, for a sum of money in excess of the jurisdictional limits established in the Law Division in the Circuit Court of Cook County.



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