

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

IN RE: ASBESTOS LITIGATION

MASTER FILE

No. 09 L 00000

In Re: Asbestos Litigation

DEEMED COUNTERCLAIM

The defendant/counter-plaintiff, pleading in the alternative without prejudice to its responsive pleadings, for its counterclaim for contribution against the counter-defendants, states as follows:

1. The plaintiff has filed a complaint against the counter-plaintiff and the counter-defendants, alleging injury from exposure to asbestos from various products that were allegedly manufactured, distributed, sold and/or used on the premises of counter-plaintiff and counter-defendants.

2. This defendant has filed its answer to the plaintiff's complaint denying that it is responsible for the injuries and damages of which the plaintiff complains and makes this counterclaim without prejudice to its answer.

3. The plaintiff alleges that the defendants were negligent, including failing to warn the plaintiff/decendent of the health hazards of asbestos. The plaintiff alleges that the negligence of the counter-defendants was a proximate cause of the plaintiff's/decendent's injuries.

4. In the event that the acts or omissions of the counter-defendants are found to be a proximate cause of the plaintiff's/decendent's injuries, then the jury will have found that the

EXHIBIT A

counter-defendants are guilty of comparative fault in failing to warn the plaintiffs of the condition of the counter-defendants' product(s) and/or premises.

5. Illinois law recognizes the right of contribution among joint tortfeasors. 740 ILCS 100/0.01, et seq.

6. In the unlikely event that this defendant/counter-plaintiff is held liable to the plaintiff, which liability this counter-plaintiff denies, then it will be entitled to contribution from the counter-defendants in an amount commensurate with the relative culpability of each counter-defendant in causing the plaintiff's/decedent's injuries, pursuant to the Illinois Joint Tortfeasor Act, 740 ILCS 100/1, et seq.

WHEREFORE, the defendant/counter-plaintiff requests that if judgment is entered against it and in favor of the plaintiff, that judgment be entered in its favor against the counter-defendants in an amount commensurate with the relative culpability of each counter-defendant in causing the plaintiff's/decedent's injuries. The defendant/counter-plaintiff further requests that the Court grant all other just and proper relief.