

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
DEPARTMENT OF THE
TRIAL COURT

X
BARBARA SULLIVAN,

CIVIL ACTION NO. 26CV0737

Plaintiff,

v.

BIRD INCORPORATED
CANVAS CT, LLC,
f/k/a SPX COOLING TECHNOLOGIES, LLC,
f/k/a SPX COOLING TECHNOLOGIES, INC.
Individually and As Successor-in-Interest to
THE MARLEY COOLING TOWER COMPANY

COMPLAINT
PLAINTIFF DEMANDS
A TRIAL BY JURY

CANVAS MW, LLC,
f/k/a The Marley-Wylain Company, LLC
CLEAVER BROOKS, INC.,
FLOWSERVE, INC.

RECEIVED 3/18/26 tc

As Successor-in-Interest to EDWARD VALVES, INC.
GENERAL ELECTRIC COMPANY
GOULDS PUMPS LLC
GRINNELL LLC
HAYES MECHANICAL LLC
IMO INDUSTRIES, LLC f/k/a IMO INDUSTRIES, INC.
INDUSTRIAL HOLDINGS CORPORATION
f/k/a THE CARBORUNDUM COMPANY
ITT LLC
PARAMOUNT GLOBAL, f/k/a VIACOMCBS INC.,
f/k/a CBS CORPORATION, a Delaware corporation,
f/k/a VIACOM INC., successor-by-merger to CBS
CORPORATION, a Pennsylvania corporation, f/k/a
WESTINGHOUSE ELECTRIC CORPORATION
REDCO CORPORATION, f/k/a CRANE CO.
RILEY POWER, INC.
SPIRAX SARCO, INC.
UNION CARBIDE CORPORATION
WARREN PUMPS LLC

THE WILLIAM POWELL COMPANY

Defendants.

_____ X

PARTY PLAINTIFF

1. The Plaintiff, BARBARA SULLIVAN, resides at 114 Lagrange St., West Roxbury, Massachusetts 02132.

PARTY DEFENDANTS

2. BIRD INCORPORATED is a Massachusetts corporation with its principal place of business in Pennsylvania. BIRD INCORPORATED has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

CANVAS CT, LLC f/k/a SPX Cooling Technologies, LLC, f/k/a SPX Cooling Technologies, Inc., Individually and as Successor-in-Interest to The Marley Cooling Tower Company is a Delaware limited liability company with its principal place of business located outside of Massachusetts. Upon information and belief, CANVAS CT, LLC f/k/a SPX Cooling Technologies, LLC, f/k/a SPX Cooling Technologies, Inc., Individually and as Successor-in-Interest to The Marley Cooling Tower Company has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

CANVAS MW, LLC, f/k/a The Marley-Wylain Company, LLC is a Delaware limited liability company with its principal place of business located outside of Massachusetts. Upon information and belief, CANVAS MW, LLC, f/k/a The Marley-Wylain Company, LLC has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

CLEAVER BROOKS, INC. is a Delaware corporation with its principal place of business located outside of Massachusetts. Upon information and belief, CLEAVER BROOKS, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

FLOWSERVE US INC., as Successor-in-Interest to Edward Valves, Inc., is a Delaware corporation with a principal place of business in Texas. Upon information and belief, FLOWSERVE US INC., as Successor-in-Interest to Edward Valves, Inc. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

GENERAL ELECTRIC COMPANY is a New York corporation with its principal place of business in Ohio. Upon information and belief, GENERAL ELECTRIC COMPANY has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

GOULDS PUMPS LLC is a Delaware limited liability company with its principal place of business in New York. Upon information and belief, GOULDS PUMPS LLC has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

GRINNELL LLC is a Delaware limited liability company with its principal place of business in Florida. Upon information and belief, GRINNELL LLC has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

HAYES MECHANICAL LLC is a Delaware limited liability company with its principal place of business outside of Massachusetts. Upon information and belief, HAYES MECHANICAL LLC has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

IMO INDUSTRIES, LLC f/k/a IMO Industries, Inc. is a Delaware limited liability company with its principal place of business in Maryland. Upon information and belief, IMO INDUSTRIES, LLC f/k/a IMO Industries, Inc. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

INDUSTRIAL HOLDINGS CORPORATION f/k/a THE CARBORUNDUM COMPANY is a New York corporation with its principal place of business in New York. INDUSTRIAL HOLDINGS CORPORATION f/k/a THE CARBORUNDUM COMPANY has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

ITT LLC is an Indiana limited liability company with its principal place of business in Connecticut. Upon information and belief, ITT LLC has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

PARAMOUNT GLOBAL, f/k/a ViacomCBS Inc., f/k/a CBS Corporation, f/k/a Viacom Inc., successor by merger to CBS Corporation, f/k/a Westinghouse Electric Corporation is a Delaware Corporation with a principal place of business in New York. Upon information and belief, PARAMOUNT GLOBAL, f/k/a ViacomCBS Inc., f/k/a CBS Corporation, f/k/a Viacom Inc., successor by merger to CBS Corporation, f/k/s Westinghouse Electric Corporation has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

REDCO CORPORATION, f/k/a Crane Co., is a Delaware corporation with its principal place of business outside of Massachusetts. Upon information and belief, REDCO CORPORATION, f/k/a Crane Co. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

RILEY POWER, INC. is a Massachusetts corporation with its principal place of business in Massachusetts. Upon information and belief, RILEY POWER, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

SPIRAX SARCO, INC. is a Delaware corporation with its principal place of business in South Carolina. Upon information and belief, SPIRAX SARCO, INC. has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

UNION CARBIDE CORPORATION is a New York corporation with its principal place of business in Texas. Upon information and belief, UNION CARBIDE CORPORATION has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

WARREN PUMPS LLC is a Delaware limited liability company with its principal place of business in Maryland. Upon information and belief, WARREN PUMPS LLC has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

THE WILLIAM POWELL COMPANY is an Ohio corporation with its principal place of business in Ohio. Upon information and belief, THE WILLIAM POWELL COMPANY has conducted business in and has derived substantial revenue from the Commonwealth of Massachusetts.

As used in this Complaint, the terms “defendant,” “defendants” or “defendant corporations” shall include the party defendants identified in paragraphs 2, and their predecessors and successors, which shall include, but is not limited to, any person, corporation, company or business entity which formed part of any combination, consolidation, merger or reorganization from which any party defendant was created or was the surviving corporation or other entity, or

into which any party defendant was merged, consolidated or reorganized; whose assets, stock, property, employees, customers, good will, products or product line was acquired by or from any party defendant; whose patent rights, trademark rights, trade secrets or goodwill was acquired by or from any party defendant; or, which was dominated or controlled by any party defendant to such an extent that said party defendant was the “alter ego” of said corporation.

3. The Plaintiff’s cause of action arises from the defendants: (a) transacting business in Massachusetts; (b) contracting to supply and/or sell goods in Massachusetts; (c) doing or causing a tortious act to be done within Massachusetts; and/or, (d) causing the consequence of a tortious act to occur within Massachusetts.

FACTUAL BACKGROUND

4. Plaintiff BARBARA SULLIVAN was employed as a nanny, physical therapist aide, hairdresser, and secretary at various locations in Massachusetts from the 1980s to 2001. She has worked as an administrative assistant at a school in Massachusetts since 2001.

5. Plaintiff BARBARA SULLIVAN was exposed to asbestos-containing materials through her brother, EDWARD SULLIVAN, JR., who was employed by Bird Corporation f/k/a Bird & Son Inc. in East Walpole, MA, in the 1950s and 1960s. During that period of time, Plaintiff BARBARA SULLIVAN was exposed to asbestos and asbestos-containing products through her constant daily contact with her brother and her brother’s dirty work clothes.

6. During the period of time set forth in Paragraphs 4-5, Plaintiff was exposed to and did inhale and/or ingest asbestos dust, fibers, and particles, which dust, fibers, and particles came from the asbestos and asbestos-containing products which were mined, milled, manufactured, fabricated, contracted, supplied, distributed and/or sold by the defendant corporations.

7. The asbestos and asbestos-containing products to which Plaintiff was exposed were mined, milled, manufactured, fabricated, contracted, supplied, distributed and/or sold by the defendant corporations, acting through their duly authorized agents, servants, and employees, who were then and there acting in the course and scope of their employment and in furtherance of the business of the defendants.

8. At all times pertinent hereto, the defendant corporations were engaged in the business of mining, milling, manufacturing, fabricating, contracting, supplying, distributing, and/or selling asbestos and asbestos-containing products.

9. At all times pertinent hereto, the asbestos products were products mined, milled, manufactured, fabricated, contracted, supplied, distributed and/or sold by the defendant corporations and reached Plaintiff without any substantial change in the condition of the product or products from the time that they were sold.

10. As a direct and proximate result of working with, around, and/or near asbestos materials mined, milled, manufactured, tested, furnished, packaged, contracted, distributed, delivered, sold and otherwise placed in the stream of commerce by the defendants, Plaintiff BARBARA SULLIVAN developed mesothelioma, an asbestos-related disease. She has suffered serious personal injuries, endured great pain of body and mind, suffered severe mental anguish and distress, has been prevented from transacting her business, and has been required to undergo medical treatment, care and expense. Her earning capacity has been greatly impaired. Further, her next of kin have been deprived of her services, protection, care, assistance, society, companionship, comfort, affection, guidance, counsel and advice.

COUNT I

NEGLIGENCE

(CONSCIOUS PAIN AND SUFFERING)

11. The Plaintiff incorporates by reference paragraphs 1 through 10 above as if expressly alleged and set forth herein.

12. It was the duty of the defendant corporations to use and exercise reasonable and due care in the manufacture, fabrication, testing, inspection, production, marketing, packaging, contracting, distribution and sale of its asbestos and asbestos-containing products.

13. It was also the duty of the defendant corporations to provide detailed and adequate instructions relative to the proper and safe handling and use of their asbestos and asbestos-containing products, and to provide detailed and adequate warnings concerning any and all dangers, characteristics, and potentialities of their asbestos and asbestos-containing products.

14. It was the continuing duty of the defendant corporations to advise and warn purchasers, consumers, users, and prior purchasers, prior consumers, and prior users of all dangers, characteristics, potentialities and defects discovered subsequent to their initial marketing or sale of their asbestos and asbestos-containing products.

15. Yet, nevertheless, wholly disregarding the aforesaid duties, the defendant corporations breached their duties by: (a) failing to warn Plaintiff of the dangers, characteristics, and potentialities of their asbestos-containing products when the defendant corporations knew or should have known that exposure to their asbestos-containing products would cause disease and injury; (b) failing to warn Plaintiff of the dangers to which she was exposed when they knew or should have known of the dangers; (c) failing to exercise reasonable care to warn Plaintiff of what would be safe, sufficient, and proper protective clothing, equipment, and appliances when

working with or near or being exposed to their asbestos and asbestos-containing products; (d) failing to provide safe, sufficient and proper protective clothing, equipment and appliances with their asbestos and asbestos-containing products; (e) failing to test its asbestos and asbestos-containing products in order to ascertain the extent of danger involved upon exposure thereto; (f) failing to conduct such research as should have been conducted in the exercise of reasonable care, in order to ascertain the dangers involved upon exposure to their asbestos and asbestos-containing products; (g) failing to remove the product or products from the market when the defendant corporations knew or should have known of the hazards of exposure to their asbestos and asbestos-containing products; (h) failing upon discovery of the dangers, hazards, and potentialities of exposure to asbestos to adequately warn and apprise Plaintiff of said dangers, hazards, and potentialities discovered; (i) failing upon discovery of the dangers, hazards, and potentialities of exposure to asbestos to package said asbestos and asbestos-containing products so as to eliminate said dangers, hazards, and potentialities; and (j) generally using unreasonable, careless, and negligent conduct in the manufacture, fabrication, supply, and/or sale of their asbestos and asbestos-containing products.

16. As a direct and proximate result of the unreasonable, careless, and negligent conduct of the defendant corporations, Plaintiff developed an asbestos-related disease. She suffered and will continue to suffer serious personal injuries, and has endured and will continue to endure severe pain of body and mind until death. She and her family have incurred substantial medical expenses in connection with the treatment of her asbestos-related disease. Her earning capacity has been greatly impaired. Further, her next of kin were deprived of her services, protection, care, assistance, society, companionship, comfort, affection, guidance, counsel and advice.

17. The defendants knew, or with the reasonable exercise of care, should have known of the dangerous characteristics, properties, and potentialities of asbestos and asbestos-containing products.

WHEREFORE, Plaintiff demands judgment against the defendants for a reasonable amount plus statutory interest and costs and for such other relief as shall be appropriate.

COUNT II

BREACH OF EXPRESS AND IMPLIED WARRANTIES

18. The Plaintiff incorporates by reference paragraphs 1 through 17 above as if expressly alleged and set forth herein.

19. Plaintiff BARBARA SULLIVAN is a person whom the defendants could reasonably have expected to use, consume, or be affected by the defendants' asbestos and asbestos-containing products within the meaning of Massachusetts General Laws c. 106, secs. 2-314 and 2-318, as the defendants knew or had reason to know that their asbestos and asbestos-containing products would be used in various industries and that individuals such as Plaintiff would come in contact with such asbestos materials.

20. The defendants expressly and impliedly warranted that the asbestos and asbestos-containing products described above were merchantable, safe, and fit for their ordinary purposes, and the particular purposes and requirements of Plaintiff.

21. The defendants had reason to know of the particular purposes for which their asbestos and asbestos-containing products would be used.

22. Plaintiff relied upon the defendants' skill or judgment in selecting suitable products for safe use.

23. The defendants breached these warranties, in that the asbestos and asbestos-containing products they sold were not merchantable, safe, suitable, or fit for their ordinary or particular purposes.

24. As a direct and proximate result of the defendants' breach of warranties, Plaintiff BARBARA SULLIVAN contracted mesothelioma, an asbestos-related disease. She has suffered serious personal injuries, and has endured and will continue to endure severe pain of body and mind until death. She and her family have incurred substantial medical expenses in connection with the treatment of her asbestos-related disease. Her earning capacity was greatly impaired. Further, her next of kin were deprived of her services, protection, care, assistance, society, companionship, comfort, affection, guidance, counsel and advice.

WHEREFORE, Plaintiff demands judgment against the defendants for a reasonable amount plus statutory interest and costs and for such other relief as shall be appropriate.

DEMAND FOR TRIAL BY JURY

The Plaintiff hereby demands a trial by jury on each claim asserted or hereafter asserted by the Plaintiff and on each defense asserted or hereafter asserted by the defendants.

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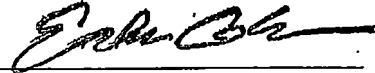
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Respectfully submitted,
The Plaintiff,
By her attorneys,

Dated: March 18, 2026



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