SALTZ, MONGELUZZI, BARRETT & BENDESKY, P.C.
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J. OSTROWSKI

PETER J. JOHNSON, ESQ. AND TIMOTHY J. HOLMAN, ESQ., Co-Administrators of the Estate of JOYCE M. CRAIG, Deceased 112 Moores Road, Suite 300 Malvern, PA 19355 *vs.* **SCOTT HEALTH AND SAFETY** 4320 Goldmine Road Monroe, NC 28110 AND **SCOTT SAFETY** 4320 Goldmine Road Monroe, NC 28110 AND **SCOTT TECHNOLOGIES, INC.** 4320 Goldmine Road Monroe, NC 28110 AND **TYCO SCOTT HEALTH AND SAFETY** 4320 Goldmine Road Monroe, NC 28110 AND **TYCO SCOTT TECHNOLOGY INCORPORATED OF SCOTT HEALTH SAFETY** 4320 Goldmine Road Monroe, NC 28110 AND **TYCO INTERNATIONAL (US), INC.** 9 Roszel Road Princeton, NJ 08540 AND **TYCO INTERNATIONAL, LTD.** 9 Roszel Road Princeton, NJ 08540	**PHILADELPHIA COUNTY** **COURT OF COMMON PLEAS** **DECEMBER TERM, 2016** **No.:** **JURY of 12 DEMANDED**

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AND **CAIRNS AND BROTHER, INC.** 2020 Firedancer Lane Bear, DE 19701 AND **CAIRNSAIR, INC.** 2020 Firedancer Lane Bear, DE 19701 AND **CAIRNSAIR, LLC** 2020 Firedancer Lane Bear, DE 19701 AND **MSA SAFETY, INC.** 1000 Cranberry Woods Drive Cranberry Township, PA 16066 AND **MSA SAFETY DEVELOPMENT, LLC** 1000 Cranberry Woods Drive Cranberry Township, PA 16066 AND **GLOBAL SECURE SAFETY PRODUCTS, INC.** 8401 Corporate Drive, Suite 230 Hyattsville, MD 20785 AND **GLOBAL SECURE SAFETY (FILTERED AIR) CORP.** 401 S. Main Street Woodsboro, MD 21798 AND **NEOTERIK HEALTH TECHNOLOGIES, INC.** 401 S. Main Street Woodsboro, MD 21798 AND **THE GOODYEAR TIRE AND RUBBER CO.** 1144 East Market Street Akron, OH 44316 AND **MUNICIPAL EMERGENCY SERVICES, INC.** 2755 Philmont Avenue Huntington Valley, PA 19006 AND	

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PRO-AM SAFETY, INC. 551 Keystone Drive Warrendale, PA 15086 AND **TOTAL SAFETY, INC.** 20 McDonald Boulevard Aston, PA 19014 AND **TOTAL SAFETY U.S., INC.** 20 McDonald Boulevard Aston, PA 19014 AND **TOTAL SAFETY SOLUTIONS, LLC** 20 McDonald Boulevard Aston, PA 19014 AND **FISHER SCIENTIFIC COMPANY, LLC** 300 Industry Drive Pittsburgh, PA 15275 AND **FISHER SCIENTIFIC INTERNATIONAL, INC.** 300 Industry Drive Pittsburgh, PA 15275 AND **FISHER SCIENTIFIC INTERNATIONAL, LLC** 300 Industry Drive Pittsburgh, PA 15275 AND **FISHER SCIENTIFIC OPERATING COMPANY** 300 Industry Drive Pittsburgh, PA 15275 AND **THERMO FISHER SCIENTIFIC, INC.** 300 Industry Drive Pittsburgh, PA 15275 AND **SMITH FIRE SERVICE, INC.** 982 Barnum Road Eldred, PA 16731 AND **SAFEWARE, INC.** 4403 Forbes Boulevard Lanham, MD 20706	

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AND
LION GROUP, INC.
7200 Poe Avenue, Suite 400
Dayton, OH 45414
AND
MAJESTIC FIRE APPAREL, INC.
255 Wagner Street
Lehighton, PA 18235

"NOTICE

"You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgement may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER (OR CANNOT AFFORD ONE), GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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"AVISO

"Le han demandado a usted en la corte. Si usted quiere defenderse do estas demandas expuestas en las páginas siguients, usted tiene veinte (20) dias, de plazo al partir de la fecha de la demanda y la notificatión. Hace falta asentar una comparenca escrita o en persona o con un abagado y entregar a la corte en forma escrita sus defensas o sus objecciones a las demandas en contra de su persona. Sea avisado que si usted no de defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificaion. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABAGADO O SI NO TIENE EL DINERO SUFICIENTE DE PARGAR TAL SERVICO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO. SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.

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SERVICO DE REFERENCA E INFORMACION LEGAL
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COMPLAINT – CIVIL ACTION

1. Plaintiffs, Peter J. Johnson, Esq. and Timothy J. Holman, Esq., are adult individuals, citizens and residents of the Commonwealth of Pennsylvania at the above-captioned address and bring this action as Co-Administrators of the Estate of Joyce M. Craig, Deceased, pursuant to the Pennsylvania Wrongful Death Act, 42 Pa. C.S.A. § 8301, and the Pennsylvania Survival Act, 42 Pa. C.S.A. § 8302.

2. Firefighter Craig died with two children. Under 42 PA C.S.A. § 8301(b), her beneficiaries are, as follows:

- Mekhi Green (son, DOB: 05/21/98)
- Laylani Craig-Lewis (daughter, a minor, DOB: 07/14/13), Pennsylvania Trust Company as Guardian of the Estate

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3. This action has been commenced within two (2) years after the death of Joyce M. Craig.

4. Prior to the death of Joyce M. Craig, no action was brought to recover for the carelessness, negligence, defectively designed and manufactured products and/or other liability producing conduct which resulted in the Decedent's pain, suffering and death. No action for the Wrongful Death of Joyce M. Craig was commenced against the Defendants, nor has any Survival Action been commenced.

5. Defendant Scott Health and Safety is a North Carolina corporation with a principal place of business at the above-captioned address. Scott Health and Safety regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

6. Defendant Scott Safety is a North Carolina corporation with a principal place of business at the above-captioned address. Scott Safety regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

7. Defendant Scott Technologies, Inc. is a North Carolina corporation with a principal place of business at the above-captioned address. Scott Technologies, Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

8. Defendant Tyco Scott Health and Safety is a North Carolina corporation with a principal place of business at the above-captioned address. Tyco Scott Health and Safety regularly conducts business within the Commonwealth of Pennsylvania, specifically in

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Philadelphia County, by distributing its products and performing services throughout the state and county.

9. Defendant Tyco Scott Technology Incorporated of Scott Health and Safety is a North Carolina corporation with a principal place of business at the above-captioned address. Tyco Scott Technology Incorporated of Scott Health and Safety regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

10. Defendant Tyco International (US), Inc. is a New Jersey corporation with a principal place of business at the above-captioned address. Tyco International (US), Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

11. Defendant Tyco International, Ltd. is a New Jersey corporation with a principal place of business at the above-captioned address. Tyco International, Ltd. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

12. Defendants, Scott Health and Safety, Scott Safety, Scott Technologies, Inc., Tyco Scott Health and Safety, Tyco Scott Technology Incorporated of Scott Health Safety, Tyco International (US), Inc. and Tyco International, Ltd., shall be collectively referred to herein as "Scott."

13. Scott purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania through, in part, its distributors located at 300 Industry Drive, Pittsburgh, PA

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15275, 982 Barnum Road, Eldred, PA 16731, 2755 Philmont Avenue, Huntington Valley, PA 19006, 171 Ruth Road, Harleysville, PA 19438, 551 Keystone Drive, Warrendale, PA 15086 and 10 Industrial Highway, Essington, PA 19029. Scott regularly, continuously and systematically conducts business in Philadelphia County by distributing its products and services throughout the County.

14. At all relevant times, Scott was acting by and though its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

15. Defendant Cairns and Brother, Inc. is a Delaware corporation with a principal place of business at the above-captioned address. Cairns and Brother, Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

16. Defendant Cairnsair, Inc. is a Delaware corporation with a principal place of business at the above-captioned address. Cairnsair, Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

17. Defendant Cairnsair, LLC is a Delaware corporation with a principal place of business at the above-captioned address. Cairnsair, LLC regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

18. Defendants, Cairns and Brother, Inc., Cairnsair, Inc. and Cairnsair, LLC, shall be collectively referred to herein as "Cairns and Brother."

19. Cairns and Brother purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business

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activities in Pennsylvania and Philadelphia County by distributing its products and services throughout the state and county.

20. At all relevant times, Cairns and Brother was acting by and though its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

21. Defendant MSA Safety, Inc. is a Pennsylvania corporation with a principal place of business at the above-captioned address. MSA Safety, Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

22. Defendant MSA Safety Development, LLC is a Pennsylvania business entity with a principal place of business at the above-captioned address. MSA Safety Development, LLC regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

23. Defendants, MSA Safety, Inc. and MSA Safety Development, LLC, shall be collectively referred to herein as "MSA."

24. MSA purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania and Philadelphia County by distributing its products and services throughout the state and county.

25. At all relevant times, MSA was acting by and though its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

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26. Defendant Global Secure Safety Products, Inc. is a Delaware corporation with a principal place of business at the above-captioned address. Global Secure Safety Products, Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

27. Defendant Global Secure Safety (Filtered Air) Corp. is a Delaware corporation with a principal place of business at the above-captioned address. Global Secure Safety (Filtered Air) Corp. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

28. Defendant Neoterik Health Technologies, Inc. is a Delaware corporation with a principal place of business at the above-captioned address. Neoterik Health Technologies, Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

29. Defendants, Global Secure Safety Products, Inc., Global Secure Safety (Filtered Air) Corp. and Neoterik Health Technologies, Inc., shall be collectively referred to herein as "Global Secure."

30. Global Secure purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania and Philadelphia County by distributing its products and services throughout the state and county.

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31. At all relevant times, Global Secure was acting by and though its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

32. Defendant, The Goodyear Tire & Rubber Company ("Goodyear"), is a Delaware corporation which maintains a place of business at the above-captioned address. It regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products throughout the state and county.

33. Goodyear purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania. Goodyear regularly conducts business in Philadelphia County through Philadelphia Tire & Service, Inc., 545 North Broad Street; Goodyear Auto Service Center, 1815 West Oregon Avenue; John Gabriel, Jr., Inc., 5961 Ridge Avenue; Bustleton Tire and Service, 7260 Bustleton Avenue; Millevoi Brothers, 2075 Byberry Road; as well as Tires Plus, Sears and Pep Boys Stores in Philadelphia.

34. At all relevant times, Goodyear was acting by and through its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

35. Defendant Municipal Emergency Services, Inc. ("MES") is a Connecticut corporation with a principal place of business at the above-captioned address. It regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products throughout the state and county.

36. MES purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in

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Pennsylvania, through, in part, its distributor located at 2755 Philmont Avenue, Huntington Valley, PA 19006. MES regularly, continuously and systematically conducts business in Philadelphia County by distributing its products and services throughout the County.

37. At all relevant times, MES was acting by and through its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

38. Defendant Pro-Am Safety, Inc. ("Pro-Am") is a Pennsylvania corporation with a principal place of business at the above-captioned address. It regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products throughout the state and county.

39. Pro-Am purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania and Philadelphia County by distributing its products and services throughout the state and county.

40. At all relevant times, Pro-Am was acting by and through its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

41. Defendant Total Safety, Inc. is a Texas corporation with a principal place of business at the above-captioned address. Total Safety, Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

42. Defendant Total Safety U.S., Inc. is a Texas corporation with a principal place of business at the above-captioned address. Total Safety U.S., Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

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43. Defendant Total Safety Solutions, LLC is a Texas business entity with a principal place of business at the above-captioned address. Total Safety Solutions, LLC regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

44. Defendants, Total Safety, Inc., Total Safety U.S., Inc. and Total Safety Solutions, LLC, shall be collectively referred to herein as "Total Safety."

45. Total Safety purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania through, in part, its distributors located at 20 McDonald Boulevard, Aston, PA 19014. Total Safety regularly, continuously and systematically conducts business in Philadelphia County by distributing its products and services throughout the County.

46. At all relevant times, Total Safety was acting by and through its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

47. Defendant Fisher Scientific Company, LLC is a New Hampshire business entity with a principal place of business at the above-captioned address. Fisher Scientific Company, LLC regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

48. Defendant Fisher Scientific International, Inc. is a New Hampshire corporation with a principal place of business at the above-captioned address. Fisher Scientific International, Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in

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Philadelphia County, by distributing its products and performing services throughout the state and county.

49. Defendant Fisher Scientific International, LLC is a New Hampshire business entity with a principal place of business at the above-captioned address. Fisher Scientific International, LLC regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

50. Defendant Fisher Scientific Operating Company is a New Hampshire business entity with a principal place of business at the above-captioned address. Fisher Scientific Operating Company regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

51. Defendant Thermo Fisher Scientific, Inc. is a New Hampshire corporation with a principal place of business at the above-captioned address. Thermo Fisher Scientific, Inc. regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products and performing services throughout the state and county.

52. Defendants, Fisher Scientific Company, LLC, Fisher Scientific International, Inc., Fisher Scientific International, LLC, Fisher Scientific Operating Company and Thermo Fisher Scientific, Inc., shall be collectively referred to herein as "Fisher Scientific."

53. Fisher Scientific purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania through, in part, its distributors located at 300 Industry Drive,

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Pittsburgh, PA 15275, 2562 Boulevard of the Generals, Eagleville, PA 19403, 1610 Parkway View Drive, Pittsburgh, PA 15205, 2460 General Armstead Avenue, Norristown, PA 19403, 7701 Burholme Avenue, Philadelphia, PA 19111 and 320 Rolling Ridge Drive, Bellefonte, PA 16823. Fisher Scientific regularly, continuously and systematically conducts business in Philadelphia County by distributing its products and services throughout the County.

54. At all relevant times, Fisher Scientific was acting by and through its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

55. Defendant Smith Fire Service, Inc. ("Smith") is a Pennsylvania corporation with a principal place of business at the above-captioned address. It regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products throughout the state and county.

56. Smith purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania and Philadelphia County by distributing its products and services throughout the state and county.

57. At all relevant times, Smith was acting by and through its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

58. Defendant Safeware, Inc. ("Safeware") is a Maryland corporation with a principal place of business at the above-captioned address. It regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products throughout the state and county.

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59. Safeware purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania and Philadelphia County by distributing its products and services throughout the state and county.

60. At all relevant times, Safeware was acting by and through its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

61. Defendant Lion Group, Inc. ("Lion") is an Ohio corporation with a principal place of business at the above-captioned address. It regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products throughout the state and county.

62. Lion purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania and Philadelphia County by distributing its products and services throughout the state and county.

63. At all relevant times, Lion was acting by and through its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

64. Defendant Majestic Fire Apparel, Inc. ("Majestic") is a Pennsylvania corporation with a principal place of business at the above-captioned address. It regularly conducts business within the Commonwealth of Pennsylvania, specifically in Philadelphia County, by distributing its products throughout the state and county.

65. Majestic purposely established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities

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in Pennsylvania and Philadelphia County by distributing its products and services throughout the state and county.

66. At all relevant times, Majestic was acting by and through its employees, servants, and agents, acting within the course and scope of their employment, service and agency.

67. On December 9, 2014, Joyce M. Craig responded on behalf of the Philadelphia Fire Department to a house fire at 1655 Middleton Street in Philadelphia, Pennsylvania.

68. At the above time and place, Firefighter Craig was wearing protective and life-preservation equipment designed, manufactured, tested, distributed, inspected, maintained and sold by Scott, Cairns and Brother, MSA, Global Secure, Goodyear, MES, Pro-Am, Total Safety, Fisher Scientific, Smith, Safeware, Lion and Majestic.

69. At the above time and place, Firefighter Craig was using a Self-Contained Breathing Apparatus ("SCBA") designed, manufactured, tested, distributed, inspected, maintained and sold by Scott, Cairns and Brother, MSA, Global Secure, Goodyear, MES, Pro-Am, Total Safety, Fisher Scientific, Smith and Safeware.

70. Firefighter Craig's SCBA has been identified as a Scott Health and Safety model AirPak 4.5, 4500 PSI, 45-Minute SCBA.

71. Firefighter Craig's SCBA was equipped with various pressure hoses and regulators which are intended to dispense and regulate pressurized air from the back-mounted air tank to the face mask unit.

72. Goodyear designed, manufactured, tested, distributed and sold the pressure hoses which were part of Firefighter Craig's SCBA.

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73. The Goodyear-designed, manufactured, tested, distributed and sold pressure hoses had been the subject of a recall commenced before Firefighter Craig's death due to inadequate heat resistance.

74. Scott, Cairns and Brother, MSA, Global Secure, Goodyear, MES, Pro-Am, Total Safety, Fisher Scientific, Smith and Safeware had actual and/or constructive notice before December 9, 2014 that the SCBA pressure hoses lacked adequate heat resistance and were likely to fail in foreseeable firefighting conditions.

75. Firefighter Craig's SCBA was equipped with a Personal Alert Safety System ("PASS") device which is intended to provide others with information regarding the donning firefighter's location.

76. Scott, Cairns and Brother, MSA, Global Secure, Goodyear, MES, Pro-Am, Total Safety, Fisher Scientific, Smith and Safeware had actual and/or constructive notice before December 9, 2014 that the SCBA PASS device was susceptible to failure at temperatures in foreseeable firefighting conditions.

77. At the above time and place, Firefighter Craig was using fire protective garments and equipment designed, manufactured, tested, distributed, inspected, maintained and sold by Safeware, Lion and Majestic.

78. Safeware, Lion and Majestic had actual and/or constructive notice before December 9, 2014 that the fire protective garments and equipment lacked adequate features, heat resistance and/or would impede SCBA function in foreseeable firefighting conditions.

79. At some time prior to December 9, 2014, the Philadelphia Fire Department obtained the above-referenced SCBA and fire protective garments from the Defendants.

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80. At some time prior to December 9, 2014, the Defendants, maintained, inspected and repaired the above-referenced SCBA and fire protective garments.

81. On December 9, 2014, Firefighter Craig became lost and trapped while attempting to extinguish the fire at 1655 Middleton Street.

82. At the above time and place, Firefighter Craig's SCBA (including component parts) did not provide her with adequate, breathable air as designed and intended.

83. At the above time and place, the inadequate and improperly functioning SCBA (including component parts) caused Firefighter Craig to run out of adequate, breathable air.

84. At the above time and place, Firefighter Craig's SCBA PASS device did not alert others to her location.

85. At the above time and place, the inadequate and improperly functioning PASS device prevented others on scene from locating Firefighter Craig before she ran out of adequate, breathable air.

86. At the above time and place, Firefighter Craig's fire protective garments did not adequately protect her from thermal injuries, did not alert others to her location and/or prevented the SCBA pressure hoses, regulators, air mask and PASS device from functioning properly.

87. At the above time and place, the inadequate and improperly functioning fire protective garments failed to notify others of Firefighter Craig's location, prevented her from communicating her location to others and/or contributed to her running out of adequate, breathable air.

88. At the above time and place, after others extinguished the fire, Philadelphia Fire Department personnel discovered Firefighter Craig within the home at 1655 Middleton Street.

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89. At the above time and place, when she was located, Firefighter Craig was wearing her SCBA air mask and her SCBA air tank was empty.

90. On December 9, 2014, Firefighter Craig was pronounced dead due to suffocation.

91. An adequate and properly functioning SCBA (including component parts) would have prevented Firefighter Craig's death.

92. An adequate and properly functioning SCBA PASS device would have prevented Firefighter Craig's death.

93. Adequate and properly functioning fire protective garments would have prevented Firefighter Craig's death.

94. By virtue of improper and inadequate design and manufacture, the SCBA and fire protective garments and equipment were incapable of permitting Firefighter Craig to safely respond to the fire at 1655 Middleton Street.

95. By virtue of inadequate warnings and instructions, the SCBA and fire protective garments and equipment were incapable of permitting Firefighter Craig to safely respond to the fire at 1655 Middleton Street.

96. By virtue of the Defendants' failure to provide or require adequate training, the SCBA and fire protective garments and equipment were incapable of permitting Firefighter Craig to safely respond to the fire at 1655 Middleton Street.

97. By virtue of the Defendants' failure to provide or require adequate maintenance, inspection and repairs, the SCBA and fire protective garments and equipment were incapable of permitting Firefighter Craig to safely respond to the fire at 1655 Middleton Street.

98. As a result of Defendants' conduct, Joyce M. Craig and her beneficiaries were caused to sustain devastating injuries and damages as set forth below.

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COUNT ONE
PLAINTIFFS v. SCOTT, CAIRNS AND BROTHER, MSA, GLOBAL SECURE, GOODYEAR, MES, PRO-AM, TOTAL SAFETY, FISHER SCIENTIFIC, SMITH AND SAFEWARE

99. Plaintiffs incorporate by reference all preceding paragraphs, as though fully set forth here.

100. The injuries sustained by Joyce M. Craig were proximately caused by the negligence of Scott, Cairns and Brother, MSA, Global Secure, Goodyear, MES, Pro-Am, Total Safety, Fisher Scientific, Smith and Safeware in the following particular respects:

a. failing to design and/or utilize proper designs for the manufacture, assembly, sale, and distribution of the SCBA (including component parts);

b. failing to direct and require manufacturers/assemblers to adhere to applicable safety regulations and standards;

c. failing to adequately inform and warn purchasers and ultimate users of the SCBA (including component parts) of the propensity for component failure when exposed to foreseeable firefighting conditions;

d. designing, assembling, manufacturing, selling, supplying and distributing a product in a defective condition;

e. designing, assembling, manufacturing, selling, supplying and distributing a product that was unreasonably dangerous to the user;

f. designing, assembling, manufacturing, selling, supplying and distributing a product which was not reasonably fit, suitable or safe for its intended and represented purpose;

g. designing, assembling, manufacturing, selling, supplying and distributing a product which lacked all necessary safety features to protect users of said product;

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h. designing, assembling, manufacturing, selling, supplying and distributing an SCBA (including component parts) with rubber hoses incapable of withstanding the heat and pressure associated with use in foreseeable firefighting environments;

i. designing, assembling, manufacturing, selling, supplying and distributing an SCBA (including component parts) with rubber hoses likely to rupture in foreseeable firefighting conditions;

j. designing, assembling, manufacturing, selling, supplying and distributing a SCBA without durable component parts;

k. designing, assembling, manufacturing, selling, supplying and distributing an SCBA (including component parts) with a PASS device incapable of withstanding the heat and pressure associated with use in foreseeable firefighting environments;

l. designing, assembling, manufacturing, selling, supplying and distributing an SCBA (including component parts) with a PASS device that was likely to fail in foreseeable firefighting conditions;

m. designing, assembling, manufacturing, selling, supplying and distributing a SCBA without a durable PASS device;

n. designing, assembling, manufacturing, selling, supplying and distributing a SCBA (including component parts) which allowed users to suffocate from lack of adequate, breathable air;

o. designing, assembling, manufacturing, selling, supplying and distributing a SCBA (including component parts) susceptible to sudden and unexpected failure when used in foreseeable firefighting environments;

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p. designing, assembling, manufacturing, selling, supplying and distributing a product which could be designed more safely;

q. designing, assembling, manufacturing, selling, supplying and distributing a product without appropriate safety devices;

r. failing to incorporate safety measures into the product that would have prevented the risk of injury or death to its users;

s. violating principles of sound engineering with due regard for the fact that persons would be using the SCBA (including component parts) in foreseeable firefighting environments;

t. failing to adequately and properly test said product before and/or after its design and/or assembly under reasonably foreseeable circumstances;

u. failing to recall and/or retrofit the SCBA (including component parts) with safety measures that would have prevented the risk of injury or death to its users;

v. assembling, manufacturing, selling, supplying and distributing an SCBA with recalled component parts;

w. allowing an SCBA with recalled component parts to remain in service;

x. failing to adequately or effectively notify users of the SCBA that it was assembled, manufactured, sold, supplied and distributed with recalled component parts;

y. assembling, manufacturing, selling, supplying and distributing an SCBA with an inadequate PASS device;

z. allowing an SCBA with and inadequate PASS device to remain in service;

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aa. failing to adequately or effectively notify users of the SCBA that it was assembled, manufactured, sold, supplied and distributed with an inadequate PASS device;

bb. failing to properly test the SCBA hose design and SCBA hose manufacturing and assembly process prior to its manufacture and sale;

cc. failing to supervise the SCBA hose manufacturing process and to have in place adequate, effective and proper quality control procedures;

dd. utilizing substandard materials and production methods in manufacturing the SCBA hoses;

ee. failing to adequately inform and/or warn purchasers or ultimate users of the SCBA hoses of their propensity for rupture in foreseeable firefighting environments;

ff. designing, manufacturing, assembling and selling the SCBA hoses knowing they were unreasonably dangerous;

gg. failing to remove the SCBA hoses from the marketplace;

hh. failing to provide training and instruction to those who defendants knew, or in the exercise of reasonable care should have known, would be using SCBAs equipped with the defective hoses;

ii. failing to re-design the SCBA hoses so that they would not rupture in foreseeable firefighting conditions;

jj. failing to issue service bulletins to all dealers and distributors identifying the SCBA hoses' propensity for rupture and requiring replacement of the SCBA hoses;

kk. manufacturing the SCBA hoses with materials with inadequate degradation resistance and heat resistance;

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ll. designing, assembling, manufacturing, selling, supplying and distributing the SCBA hoses such that they were likely to rupture during normal service;

mm. selecting improper and inadequate materials and component parts to design and manufacture the SCBA (including component parts);

nn. selecting improper and inadequate materials and component parts to design and manufacture the SCBA component parts;

oo. failing to provide or require adequate inspections, maintainenance and repairs of the SCBA (including component parts);

pp. failing to provide adequate warnings and instructions regarding the safe use of the SCBA (including component parts);

qq. failing to provide adequate warnings and instructions regarding the inspection, maintenance and repair of the SCBA (including component parts);

rr. failing to provide and/or require adequate training regarding the safe use of the SCBA (including component parts);

ss. failing to provide and/or require adequate training regarding the safe inspection, maintenance and repair of the SCBA (including component parts);

tt. failing to ensure that the SCBA PASS device would properly function when used in foreseeable firefighting conditions;

uu. failing to equip the SCBA PASS device with a distinguishable audio or visual signal;

vv. designing, assembling, manufacturing, selling, supplying and distributing an SCBA with a PASS device that was prone to failure at high temperatures in foreseeable firefighting conditions;

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ww. designing, assembling, manufacturing, selling, supplying and distributing an SCBA (including component parts) which did not comply with NFPA 1981;

xx. designing, assembling, manufacturing, selling, supplying and distributing an SCBA (including component parts) which did not comply with NFPA 1982;

yy. designing, assembling, manufacturing, selling, supplying and distributing an SCBA (including component parts) which did not comply with NFPA 1852;

zz. failing to ensure that the SCBA (including component parts) complied with NFPA 1852; and

aaa. designing, assembling, manufacturing, selling, supplying and distributing an SCBA (including component parts) which did not comply with 29 CFR 1910.

101. As a result of Defendants' negligence, Joyce M. Craig was caused to sustain devastating and catastrophic injuries, resulting in her death, as set forth in the paragraphs above.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants for damages in an amount in excess of Fifty Thousand Dollars ($50,000.00) including delay damages, pursuant to Pa. R.C.P. 238, interest and allowable costs of suit and bring this action to recover the same.

COUNT TWO – STRICT LIABILITY
PLAINTIFFS v. SCOTT, CAIRNS AND BROTHER, MSA, GLOBAL SECURE, GOODYEAR, MES, PRO-AM, TOTAL SAFETY, FISHER SCIENTIFIC, SMITH AND SAFEWARE

102. Plaintiffs incorporate by reference all preceding paragraphs, as though fully set forth here.

103. Defendants Scott, Cairns and Brother, MSA, Global Secure, Goodyear, MES, Pro-Am, Total Safety, Fisher Scientific, Smith and Safeware are in the regular business of

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designing, assembling, manufacturing, distributing, selling and/or supplying SCBAs (including component parts) such as the SCBA being used by Joyce M. Craig.

104. Defendants Scott, Cairns and Brother, MSA, Global Secure, Goodyear, MES, Pro-Am, Total Safety, Fisher Scientific, Smith and Safeware marketed and/or placed the SCBA involved in Firefighter Craig's death into the general stream of commerce.

105. The SCBA was distributed, sold and/or supplied by Defendants Scott, Cairns and Brother, MSA, Global Secure, Goodyear, MES, Pro-Am, Total Safety, Fisher Scientific, Smith and Safeware in a defective condition because of its unsafe and improper construction and design.

106. The SCBA was expected to and did reach end users, including Firefighter Craig, without substantial change in the condition in which it was designed, assembled, manufactured, distributed, sold and/or supplied by Defendants Scott, Cairns and Brother, MSA, Global Secure, Goodyear, MES, Pro-Am, Total Safety, Fisher Scientific, Smith and Safeware.

107. At all relevant times, the SCBA was used and employed for the purpose for which it was designed and manufactured, and was used in a foreseeable manner.

108. The SCBA was in a defective condition as: (1) the dangers associated therewith were unknowable and unacceptable to the average or ordinary consumer; and/or (2) a reasonable person would conclude that the probability and seriousness of the harm caused by the SCBA outweigh the burden or costs of taking precautions.

109. The SCBA's defective condition was a cause of the injuries and death which Firefighter Craig sustained.

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110. Defendants Scott, Cairns and Brother, MSA, Global Secure, Goodyear, MES, Pro-Am, Total Safety, Fisher Scientific, Smith and Safeware are strictly liable to Plaintiffs for the injuries and damages suffered.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants in an amount in excess of Fifty Thousand Dollars ($50,000.00) including delay damages, pursuant to Pa. R.C.P. 238, interest and allowable costs of suit and bring this action to recover the same.

COUNT THREE – NEGLIGENCE
PLAINTIFFS v. SAFEWARE, LION AND MAJESTIC

111. Plaintiffs incorporate by reference all preceding paragraphs, as though fully set forth here.

112. The injuries sustained by Joyce M. Craig were proximately caused by the negligence of Safeware, Lion and Majestic in the following particular respects:

a. failing to design and/or utilize proper designs for the manufacture, assembly, sale, and distribution of the fire protective garments and equipment (including component parts) so as to minimize the risk of injury or death to users;

b. failing to direct and require manufacturers/assemblers to adhere to applicable safety regulations and standards;

c. failing to adequately inform and warn purchasers and ultimate users of the fire protective garments and equipment (including component parts) of the propensity for ineffective heat resistance;

d. failing to adequately inform and warn purchasers and ultimate users of the fire protective garments and equipment (including component parts) of its propensity to impede the ability of the SCBA (including component parts) to function properly;

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e. failing to adequately inform and warn purchasers and ultimate users of the fire protective garments and equipment (including component parts) that it could not alert others of the user's location or alert the user of his or her thermal saturation;

f. designing, assembling, manufacturing, selling, supplying and distributing fire protective garments and equipment (including component parts) that could not alert others of the user's location or alert the user of his or her thermal saturation;

g. designing, assembling, manufacturing, selling, supplying and distributing a product in a defective condition;

h. designing, assembling, manufacturing, selling, supplying and distributing a product that was unreasonably dangerous to the user;

i. designing, assembling, manufacturing, selling, supplying and distributing a product which was not reasonably fit, suitable or safe for its intended and represented purpose;

j. designing, assembling, manufacturing, selling, supplying and distributing a product which lacked all necessary safety features to protect users of said product;

k. assembling, manufacturing, selling, supplying and distributing fire protective garments and equipment (including component parts) which could not be safely used with SCBA equipment (including component parts);

l. designing, assembling, manufacturing, selling, supplying and distributing a product which could be designed more safely;

m. designing, assembling, manufacturing, selling, supplying and distributing a product without appropriate safety devices;

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n. failing to incorporate safety measures into the fire protective garments and equipment (including component parts) that would have prevented the risk of injury or death to its users;

o. failing to incorporate sensors into the fire protective garments and equipment (including component parts) that would have alerted users to turnout gear thermal heat saturation;

p. failing to incorporate into the fire protective garments and equipment (including component parts) protective devices intended to alert others to the user's location;

q. failing to incorporate into the fire protective garments and equipment (including component parts) protective devices intended to alert others to the user's vital information;

r. violating principles of sound engineering without due regard for the fact that persons would be using the fire protective garments and equipment (including component parts) in foreseeable firefighting environments;

s. violating principles of sound engineering without due regard for the fact that persons would be using the fire protective garments and equipment (including component parts) with SCBAs;

t. failing to adequately and properly test said product after its design and/or assembly under reasonably foreseeable circumstances;

u. failing to recall and/or retrofit the fire protective garments and equipment (including component parts) with safety measures that would have prevented the risk of injury or death to its operators and passengers;

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v. selecting improper and inadequate materials and component parts to design and manufacture the fire protective garments and equipment (including component parts);

w. failing to adequately inspect, maintain and repair the fire protective garments and equipment (including component parts);

x. failing to provide adequate warnings and instructions regarding the safe use of the fire protective garments and equipment (including component parts);

y. failing to provide adequate warnings and instructions regarding the inspection, maintenance and repair of the fire protective garments and equipment (including component parts);

z. failing to provide and/or require adequate training regarding the safe use of the fire protective garments and equipment (including component parts); and

aa. failing to provide and/or require adequate training regarding the safe inspection, maintenance and repair of the fire protective garments and equipment (including component parts).

113. As a result of Defendants' negligence, Joyce M. Craig was caused to sustain devastating and catastrophic injuries, resulting in her death, as set forth in the paragraphs above.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants in an amount in excess of Fifty Thousand Dollars ($50,000.00) including delay damages, pursuant to Pa. R.C.P. 238, interest and allowable costs of suit and bring this action to recover the same.

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COUNT FOUR – STRICT LIABILITY
PLAINTIFFS v. SAFEWARE, LION AND MAJESTIC

114. Plaintiffs incorporate by reference all preceding paragraphs, as though fully set forth here.

115. Defendants Safeware, Lion and Majestic are in the regular business of designing, assembling, manufacturing, distributing, selling and/or supplying fire protective garments and equipment (including component parts) such as the fire protective garments and equipment being used by Joyce M. Craig.

116. Defendants Safeware, Lion and Majestic marketed and/or placed the fire protective garments and equipment involved in Firefighter Craig's death into the general stream of commerce.

117. The fire protective garments and equipment were distributed, sold and/or supplied by Defendants Safeware, Lion and Majestic in a defective condition because of their unsafe and improper construction and design.

118. The fire protective garments and equipment were expected to and did reach end users, including Firefighter Craig, without substantial change in the condition in which they were designed, assembled, manufactured, distributed, sold and/or supplied by Defendants Safeware, Lion and Majestic.

119. At all relevant times, the fire protective garments and equipment were used and employed for the purpose for which they were designed and manufactured, and were used in a foreseeable manner.

120. The fire protective garments and equipment were in a defective condition as: (1) the dangers associated therewith were unknowable and unacceptable to the average or ordinary consumer; and/or (2) a reasonable person would conclude that the probability and seriousness of

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the harm caused by the fire protective garments and equipment outweigh the burden or costs of taking precautions.

121. The fire protective garments and equipment's defective condition was a cause of the injuries and death which Firefighter Craig sustained.

122. Defendants Safeware, Lion and Majestic are strictly liable to Plaintiffs for the injuries and damages suffered.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendants in an amount in excess of Fifty Thousand Dollars ($50,000.00) including delay damages, pursuant to Pa. R.C.P. 238, interest and allowable costs of suit and bring this action to recover the same.

COUNT FIVE – WRONGFUL DEATH
PLAINTIFFS v. ALL DEFENDANTS

123. Plaintiffs incorporate by reference all preceding paragraphs, as though fully set forth here.

124. Plaintiffs, Peter J. Johnson, Esq. and Timothy J. Holman, Esq., as Co-Administrators of the Estate of Joyce M. Craig, Deceased, bring this action pursuant to the Pennsylvania Wrongful Death Act, 42 Pa. C.S. § 8301, on behalf of the Decedent's statutory beneficiaries against all Defendants for the wrongful death of Joyce M. Craig.

125. Decedent Joyce M. Craig is survived by the following beneficiaries, as follows:

- Mekhi Green (son, DOB: 05/21/98)
- Laylani Craig-Lewis (daughter, DOB: 07/14/13), Pennsylvania Trust Company as Guardian of the Estate

126. Plaintiffs, on behalf of all persons entitled to recover under law, claim all medical, funeral, burial, and estate administration expenses, the loss of services, society, comfort, guidance and tutelage due to the death of Joyce M. Craig, all pecuniary losses suffered by

Decedent's statutory beneficiaries by reason of the death of Joyce M. Craig, and all other damages recoverable under the Pennsylvania Wrongful Death Act, § 8301.

WHEREFORE, Plaintiffs, Peter J. Johnson, Esq. and Timothy J. Holman, Esq., as Co-Administrators of the Estate of Joyce M. Craig, Deceased, claim of Defendants separate sums in excess of Fifty Thousand Dollars ($50,000.00) in damages, exclusive of interest, costs, and delay damages pursuant to Pa. R.C.P. 238 and bring this action to recover the same.

COUNT SIX – SURVIVAL
PLAINTIFFS v. ALL DEFENDANTS

127. Plaintiffs incorporate by reference all preceding paragraphs, as though fully set forth here.

128. Plaintiffs, Peter J. Johnson, Esq. and Timothy J. Holman, Esq., as Co-Administrators of the Estate of Joyce M. Craig, Deceased, bring this action under the Pennsylvania Survival Act, 42 Pa. C.S. § 8302, and claim all benefits of the Survival Act.

129. Plaintiffs, on behalf of the Estate of Joyce M. Craig, claim all damages suffered by the Estate by reason of the death of Joyce M. Craig, including without limiting the generality of the foregoing: damages for the anxiety, fear, serious injuries, conscious pain and suffering, both physical and emotional, and other intangible losses which Firefighter Craig underwent prior to her death; the loss of life and life's pleasures, the loss of future earning capacity suffered by Firefighter Craig from the date of her death until her time in the future that she would have lived had she not died as a result of the injuries she sustained; and the total limitation and deprivation of Firefighter Craig's normal activities, pursuits, and pleasures from the date of her death until such time in the future as she would have lived had she not died as a result of the injuries

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sustained by reason of the negligence, carelessness and other liability-producing conduct of the defendants.

WHEREFORE, Plaintiffs, Peter J. Johnson, Esq. and Timothy J. Holman, Esq., as Co-Administrators of the Estate of Joyce M. Craig, Deceased, claim of Defendants separate sums in excess of Fifty Thousand Dollars ($50,000.00) in damages, exclusive of interest, costs, and delay damages pursuant to Pa. R.C.P. 238 and bring this action to recover the same.

SALTZ, MONGELUZZI, BARRETT & BENDESKY, P.C.

By: */s/ Robert J. Mongeluzzi*
ROBERT J. MONGELUZZI
DAVID L. KWASS
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Attorneys for Plaintiffs,
Peter J. Johnson, Esq. and Timothy J. Holman, Esq.
Co-Administrators of the Estate of Joyce M. Craig,
Deceased

Date: December 8, 2016

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VERIFICATION

The averments or denials of fact contained in the foregoing are true based upon the signer's personal knowledge or information and belief. If the foregoing contains averments which are inconsistent in fact, signer has been unable, after reasonable investigation, to ascertain which of the inconsistent averments are true, but signer has knowledge or information sufficient to form a belief that one of them is true. This Verification is made subject to the penalties of the 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Timothy J. Holman, Esquire
Co-Administrator of the Estate of Joyce M. Craig

Date: 12/7/16

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