

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

ESTATE OF PATRICIA MARTIN
By her personal representatives James Martin,
Colleen Brown, and Mary Connor

And

DEANNA MARIE MOSER,
By her Father and Next Friend, Robert Moser

Plaintiffs,

vs.

MARYLAND MACHINE SYSTEM, INC.

Defendant

COMPLAINT AND ELECTION OF JURY TRIAL

The Estate of Patricia A. Manning, and Deanna Marie Moser, Plaintiffs, by and through their undersigned attorneys bring suit against Maryland Medical Systems, Inc. and state as follows:

1. Joseph Manning, Colleen Beesh and Mary Caplan onner are siblings of the decedent, Patricia Manning. Ms. Beech and Ms. Caplan both reside in Baltimore, Maryland. Mr. Manning is a resident of Florida. They have jointly been appointed co-personal representatives of the Estate of Patricia Manning by order of the Orphans' Court for Baltimore City.

2. Plaintiff, Deanna Marie Moser, was born on March 11, 1997, and resides with her father, Robert Moser, in Baltimore City, Maryland. Deanna is the daughter of Patricia Manning who died on August 3, 2001, at Johns Hopkins Hospital as a result of injuries sustained while she was employed at the Domino Sugar Plant in Baltimore City, Maryland.

3. Deanna Marie Moser, by her father and next friend, is a primary beneficiary in this action for wrongful death pursuant to §3-904(a) of the Courts and Judicial Proceedings Article. Other than the Plaintiff, Deanna Manning Moser, there are no other persons entitled by law to recover damages for wrongful death.

4. Maryland Machine Systems is a corporation organized and existing under the laws of the State of Maryland. Its primary place of business is Baltimore, Maryland. They are Machine contractors who are engaged in the installation, manufacture, design, and assembling equipment.

5. The decedent Patricia Manning ("Patsy") was employed at Domino Sugar ("Domino") factory in Baltimore, Maryland. Domino processes raw sugar into various consumer and industrial products.

6. One of the steps in the process of refining raw sugar is called carbonation; at Domino, this process occurs in an area of the factory known as the "Wash House." Patsy worked in the Wash House before her untimely death.

7. The carbonation process at Domino is achieved by pumping raw sugar through pipes and into large tanks where it is combined with lime and carbon dioxide resulting in a "slurry" composed of calcium carbonate, sucrose and water. This slurry is heated to temperatures as high as 185 degrees Fahrenheit.

8. To eliminate impurities in the slurry, it is pumped through strainers into other tanks where the refining process continues. The strainer traps impurities contained in the slurry.

9. On July 28, 2000, Patsy was working in the Wash House. Her responsibilities included unclogging the strainer in the event of an unanticipated stoppage of the flow of the slurry from one tank to another that occasionally occurred, usually as the result of the strainer being clogged with impurities between scheduled cleanings.

10. To unclog the strainer a series of steps are taken that will cause approximately 23 gallons of slurry to slowly drain from a vertical pipe and strainer onto the Wash House floor and into a floor drain. Following these steps should depressurize the system.

11. If the system is blocked as opposed to clogged - a question an employee on the line could not reasonably uncover - the procedures for releasing the blocked system would not depressurize the system.

12. Following the steps described above for unclogging the strainer when the system is actually blocked creates a risk of unexpected release of stored energy that could cause risk of substantial injury to the employee endeavoring to resolve the flow stoppage.

13. On July 28, 2000, while Patsy was working in the Wash House, the equipment gauges that measure the flow of slurry, indicated it stopped flowing through this system.

14. Patsy was instructed by her supervisor to take steps to attempt to relieve the stoppage. Unaware of the reason for the stoppage, Patsy took steps consistent with the procedure for resolving a stoppage caused by a system clogged with impurities from the raw sugar in the system. Because the system was apparently blocked, the system remained pressurized.

15. After the strainer cover was removed, hot slurry came out of the strainer. Patsy was tragically caught in the path of this incredibly hot slurry. Michael McClain, who was assisting Patsy in the unclogging efforts, provided assistance to Patsy by pulling her out of the area and taking her to a safety shower.

16. Patsy was taken to Bay View Medical Center where she suffered in agony for 6 days until her death, suffering from second-degree burns on over 60% of her body.

17. The Defendant, Maryland Machine, assembled the product (the Machine system) in question approximately three-and-a-half years prior to the incident date of July 28, 2000.

18. The product as assembled by Maryland Machine remained unchanged and was in the same condition at the time of the injury alleged.

Count I - STRICT LIABILITY-DEFECT IN DESIGN

19. Plaintiff Estate of Patricia Manning re-alleges and incorporates by reference the allegations contained in Paragraph 1 through 18 of this Complaint.

20. Defendant, Maryland Machine Systems participated in sale of a product that they assembled and installed in the Wash House at Domino.

21. Defendant, Maryland Machine, installed and assembled the product which contained a defective condition because the design was defective and unsafe.

22. This design defect made the product unreasonably dangerous.

23. The system as assembled by Maryland Machine remained unchanged and was in the same condition at the time of the injury hereafter alleged.

24. As a direct and proximate cause of Maryland Machine Systems installation of the defectively designed product, Patricia Manning sustained severe conscious pain and suffering between the time of the scalding and the time of her death at Johns Hopkins Hospital six days later. Her Estate sustained additional expenses, including, but not limited to funeral expenses and medical bills. Plaintiff, Deanna Marie Moser, surviving daughter of Patricia Ann Manning, sustained pecuniary loss, mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort, loss of protection, loss of maternal care, loss of attention, loss of advice, loss of training., loss of counsel and loss of guidance.

WHEREFORE, Plaintiffs demands judgment against Maryland Machine Systems in the amount of Ten Million Dollars (\$10,000,000) plus interest, costs and any other relief this court deems appropriate.

Count II - Negligent Design (Maryland Machine Systems)

24. Plaintiff Estate of Patricia Manning re-alleges and incorporates by reference the allegations contained in Paragraph 1 through 23 of this Complaint.

25. Defendant Maryland Machine Systems built a system in the Wash House at Domino that had a defective design. Accordingly, Maryland Machine Systems owed a duty to Patsy, the end user, that the system was designed in such a way that made the system safe for its intended purpose.

26. Maryland Machine Systems knew or should have known when building this Machine system that it was designed defectively, creating a unreasonable risk of injury for Patricia Manning.

27. Maryland Machine Systems was negligent in failing to properly design, manufacture, install, and communicate the defect in the system to Domino, creating a clear and immediate risk of death or serious injury to the end users of the system. As a direct and proximate result, Patsy sustained severe conscious pain and suffering between the time of the scalding and the time of her death at Johns Hopkins Hospital six days later.

28. Her Estate sustained additional expenses, including, but not limited to funeral expenses. Plaintiff, Deanna Marie Moser, surviving daughter of Patricia Ann Manning, sustained pecuniary loss, mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort, loss of protection, loss of maternal care, loss of attention, loss of advice, loss of training., loss of counsel and loss of guidance.

WHEREFORE, Plaintiffs demands judgment against Maryland Machine Systems, Inc. in the amount of Ten Million Dollars (\$10,000,000) plus interest, costs and any other relief this court deems appropriate.

Count III – Wrongful Death

29. Plaintiffs re-allege and incorporate herein by reference the allegations in paragraphs 1 through 29 of this Complaint.

30. As a direct and proximate result of the Defendant's negligence and the Defendant's installation of a product with a defective design, Patricia Ann Manning was killed. Plaintiff, Deanna Marie Moser, surviving daughter of Patricia Ann Manning, sustained pecuniary loss, mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort, loss of protection, loss of maternal care, loss of attention, loss of advice, loss of training, loss of counsel and loss of guidance.

31. This initial Complaint was timely filed within three years after the death of Patricia Ann Manning pursuant to §3-904 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland. This Complaint relates back to that initial filing for purposes of the statute of limitations.

WHEREFORE, Plaintiff Deanna Marie Moser, sole surviving daughter of Patricia Ann Manning, by her father and next friend Robert C. Moser, demands judgment against the Defendant for Eight Million Dollars (\$8,000,000.00) in compensatory damages plus interest and costs.

Count IV – Survival Action

32. Plaintiffs re-allege and incorporate herein by reference the allegations in paragraphs 1 through 31 of this Complaint.

32. Plaintiff Estate of Patricia Manning brings a survival action pursuant to Section 7-401 of the Estates and Trusts Article for her above mentioned injuries and pain and suffering before her death that was proximately caused by the strict liability design defect and negligence claims against Defendant as set forth above.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury.

Respectfully submitted,

Ronald V. Miller, Jr.
Laura G. Zois
Miller & Zois, LLC
Empire Towers, Suite 1001
7310 Ritchie Highway
Glen Burnie, Maryland 21061
(410)553-6000
Counsel for Plaintiffs