

BROWN & CONNERY, LLP
By: Michael J. Vassalotti
360 Haddon Avenue
P.O. Box 539
Westmont, N.J. 08108
(856) 854-8900
Attorneys for Plaintiff

THOMAS SEGREST, JR.

Plaintiff,

vs.

**BERNZOMATIC, a division of NEWELL
RUBBERMAID, INC. BOC GROUP,
INC., Thermadyne, Inc. and XYZ
Company I-IV (fictitious names for
business organizations whose identity
is unknown to plaintiff)**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY**

DOCKET NO.: L-1057-06

Civil Action

SUMMONS

**FROM THE STATE OF NEW JERSEY
TO THE DEFENDANT(S) NAMED ABOVE: Bernzomatic Division of Newell Rubbermaid, Inc.**

THE PLAINTIFF, NAMED ABOVE, HAS FILED A LAWSUIT AGAINST YOU IN THE SUPERIOR COURT OF NEW JERSEY. THE COMPLAINT ATTACHED TO THIS SUMMONS STATES THE BASIS FOR THIS LAWSUIT. IF YOU DISPUTE THIS COMPLAINT, YOU OR YOUR ATTORNEY MUST FILE A WRITTEN ANSWER OR MOTION AND PROOF OF SERVICE WITH THE DEPUTY CLERK OF THE SUPERIOR COURT IN THE COUNTY LISTED ABOVE WITHIN 35 DAYS FROM THE DATE YOU RECEIVED THIS SUMMONS, NOT COUNTING THE DATE YOU RECEIVED IT. (THE ADDRESS OF EACH DEPUTY CLERK OF THE SUPERIOR COURT IS PROVIDED). IF THE COMPLAINT IS ONE IN FORECLOSURE, THEN YOU MUST FILE YOUR WRITTEN ANSWER OR MOTION AND PROOF OF SERVICE WITH THE CLERK OF THE SUPERIOR COURT, HUGHES JUSTICE COMPLEX, P.O. BOX 971, TRENTON, NJ 08625-0971. A FILING FEE PAYABLE TO THE CLERK OF THE SUPERIOR COURT AND A COMPLETED CASE INFORMATION STATEMENT (AVAILABLE FROM THE DEPUTY CLERK OF THE SUPERIOR COURT) MUST ACCOMPANY YOUR ANSWER OR MOTION WHEN IT IS FILED. YOU MUST ALSO SEND A COPY OF YOUR ANSWER OR MOTION TO PLAINTIFF'S ATTORNEY WHOSE NAME AND ADDRESS APPEAR ABOVE, OR TO PLAINTIFF, IF NO ATTORNEY IS NAMED ABOVE. A TELEPHONE CALL WILL NOT PROTECT YOUR RIGHTS; YOU MUST FILE AND SERVE A WRITTEN ANSWER OR MOTION (WITH FEE OF \$135.00 AND COMPLETED CASE INFORMATION STATEMENT) IF YOU WANT THE COURT TO HEAR YOUR DEFENSE.

IF YOU DO NOT FILE AND SERVE A WRITTEN ANSWER OR MOTION WITHIN 35 DAYS, THE COURT MAY ENTER A JUDGMENT AGAINST YOU FOR THE RELIEF PLAINTIFF DEMANDS, PLUS INTEREST AND COSTS OF SUIT. IF JUDGMENT IS ENTERED AGAINST YOU, THE SHERIFF MAY SEIZE YOUR MONEY, WAGES OR PROPERTY TO PAY ALL OR PART OF THE JUDGMENT.

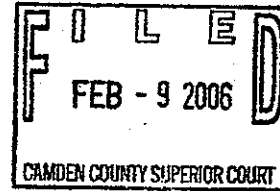
IF YOU CANNOT AFFORD AN ATTORNEY, YOU MAY CALL THE LEGAL SERVICES OFFICE IN THE COUNTY WHERE YOU LIVE. A LIST OF THESE OFFICES IS PROVIDED. IF YOU DO NOT HAVE AN ATTORNEY AND ARE NOT ELIGIBLE FOR FREE LEGAL ASSISTANCE, YOU MAY OBTAIN A REFERRAL TO AN ATTORNEY BY CALLING ONE OF THE LAWYER REFERRAL SERVICES. A LIST OF THESE NUMBERS IS ALSO PROVIDED.

DATED: 4/28/06

DONALD F. PHELAN /s/
DONALD F. PHELAN, CLERK OF THE SUPERIOR COURT

NAME OF DEFENDANT TO BE SERVED: Bernzomatic, Division of Rubbermaid, Inc.
Address of Defendant to Be Served: 92 Grant Street, Wilmington, Delaware 45177

BROWN & CONNERY, LLP
By: Michael J. Vassalotti
360 Haddon Avenue
P.O. Box 539
Westmont, N.J. 08108
(856) 854-8900
Attorneys for Plaintiff



THOMAS SEGREST, JR.
Plaintiff,

vs.

① BERNZOMATIC, a division of ②
NEWELL RUBBERMAID, INC. BOC
GROUP, INC., Thermadyne, Inc.
and XYZ Company I-IV (fictitious
names for business organizations
whose identity is unknown to
plaintiff)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO.: L-**L** 1057 06

Civil Action

COMPLAINT AND DEMAND
FOR TRIAL BY JURY

Plaintiff, Thomas Segrest, Jr., residing at 648 Woodland Avenue, Cherry Hill,
New Jersey, by way of Complaint against the defendants, says that:

FIRST COUNT

1. On February 9, 2004, plaintiff Thomas Segrest, Jr. was in the employment of Cherry Hill Plumbing/Cherry Hill Waterproofing.
2. In connection with his work plaintiff was supplied tools and equipment by his employer, including a hand held gas torch and tank.
3. The hand held gas torch and tank in question consisted of a torch assembly known as a Turbotorch Model TC-44 and 16 ounce MAPP gas cylinder.
4. The Turbotorch Model TC-44 torch assembly was designed, manufactured and distributed by defendant Thermadyne, Inc. and/or defendants XYZ Companies I and II.

5. The MAPP gas cylinder in questions was designed, manufactured and distributed by defendants BOC Group, Inc., the Bernzomatic division of Newell Rubbermaid, Inc. and/or XYZ Companies III and IV.

6. The aforesaid torch and gas cylinder assembly designed, manufactured and/or distributed by the defendants, were defective in their design and manufacture and were further defective in that they were not accompanied by adequate warnings and/or instructions to assure their safe use.

7. As a result of the aforesaid defective construction of the hand held torch and tank assembly, on February 9, 2004 MAPP gas, a flammable and explosive gas, was caused to leak from the aforesaid hand held torch and gas cylinder assembly, suddenly ignite, explode and burn.

8. As a result of the aforesaid defective design, manufacture and/or warnings and the aforesaid explosion and fire caused thereby, plaintiff Thomas Segrest, Jr. was caused to suffer serious burns and other injuries which required extensive medical treatment, caused severe pain and suffering, resulted in temporary and permanent disability and impairment caused lost wages and otherwise damaged plaintiff.

WHEREFORE, plaintiff Thomas Segrest, Jr., hereby demands judgment against the defendants Bernzomatic, a division of Newell Rubbermaid, Inc., BOC Group Inc., Thermadyne, Inc. and XYZ Company I-IV, joint, severally and in the alternative, for such sums as will reasonably and adequately compensate him in accordance with the laws of the State of New Jersey, together with interest and costs.

DEMAND FOR JURY TRIAL

TAKE NOTICE that the plaintiff, Thomas Segrest, Jr., hereby demands a trial by jury at to all issues in this action.

BROWN & CONNERY, LLP
Attorneys for Plaintiff

Date: February 9, 2006


By: 
Michael J. Vassalotti

DESIGNATION OF TRIAL ATTORNEY

In accordance with R. 4:25-4, Michael J. Vassalotti, Esquire, is hereby designated as trial counsel for plaintiff in the above-captioned matter.

BROWN & CONNERY, LLP
Attorneys for Plaintiff

Dated: February 9, 2006

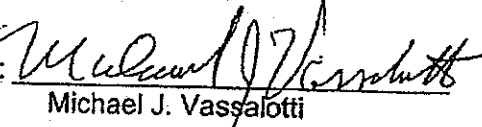
By: 
Michael J. Vassalotti

CERTIFICATION PURSUANT TO R.4:5-1

This is to certify that the matter in controversy is not the subject of any other known action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated. Further, at this time, there are no known other parties who should be joined in this action.

BROWN & CONNERY, LLP
Attorneys for Plaintiff

Dated: February 9, 2006

By: 
Michael J. Vassalotti

Atlantic County:
DEPUTY CLERK OF SUP.
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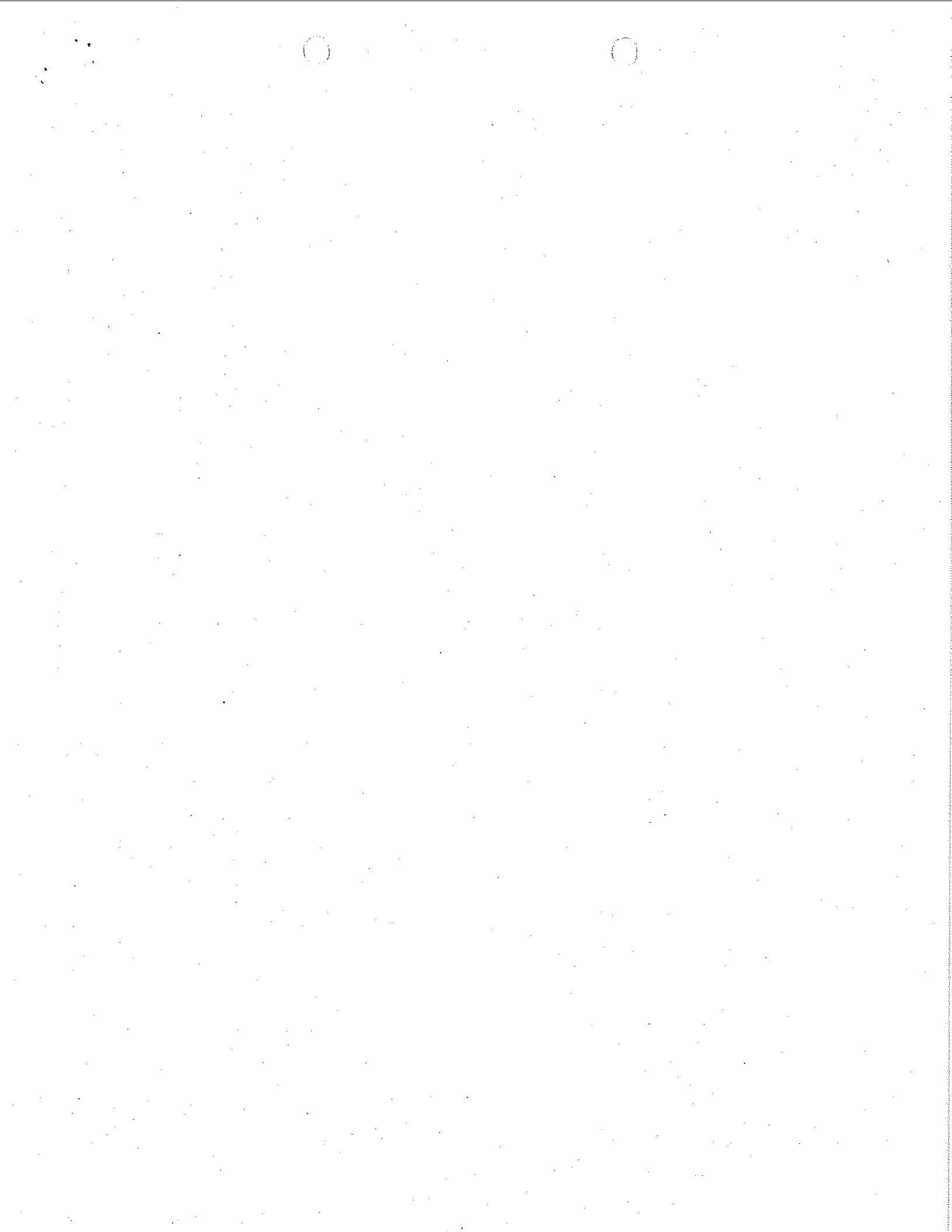
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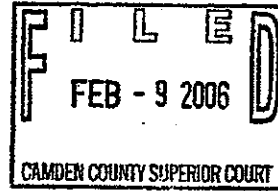
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1ST FL.
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07823
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DOCKET NO.: L- **L 1057 06**

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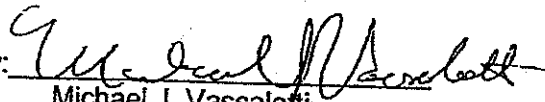
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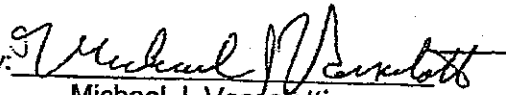
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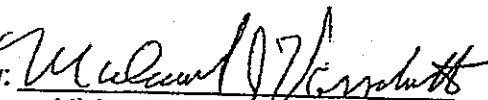
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DATED: 4/28/06

DONALD F. PHELAN /S/

DONALD F. PHELAN, CLERK OF THE SUPERIOR COURT

NAME OF DEFENDANT TO BE SERVED:
Address of Defendant to Be Served:

Bernzomatic, Division of Rubbermaid, Inc.
92 Grant Street, Wilmington, Delaware 45177

Atlantic County:
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118 WASHINGTON ST.
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Warren County:
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