



FPC

periodical

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Tyco/SimplexGrinnell

Court documents follow trail of corporate greed, injuries, worker's death

Tyco/SimplexGrinnell: record of disdain for worker safety

So far, the 21st has not been a banner century for Tyco. It is only 2004, and the mega-corporation has already chalked up a record of waste, wrongdoing and disdain for worker safety.

Two of its ex-executives have been prosecuted for the criminal pilferage of a staggering \$600 million from company coffers.

The pair – who escaped punishment because of problems in a New York federal jury – allegedly used their ill-gotten gains to fund conti-

nent-hopping lifestyles which featured \$6,000 shower curtains in posh Gotham digs and jet-set sojourns at European islands.

That’s the funny part. (*See story at right for more details.*)

The serious part is the many injuries employees of Tyco/SimplexGrinnell have suffered – not to mention the perils workers continue to face due to the corporation’s apparent lackadaisical attitude toward safety.

Since 2000, the Occupational Safety and Health Administration (OSHA) has cited Tyco subsidiary, SimplexGrinnell, at least a half dozen times for several violations.

During the same four-year period OSHA inspectors have logged SimplexGrinnell and Grinnell companies at least 134 safety offenses, and fined it at least \$ 111,000, published government records showed.

The company has been able to wheedle OSHA down to roughly half that sum, but the original inspectors’ initial descriptions reveal Tyco/SimplexGrinnell to be, at best, apathetic about protecting its employees and, at worst, a committed

Safety cont'd, page 2

Tyco tycoons skate, public blamed for it

The 12th day of deliberations in the Tyco corruption trial proved to be the last day of the trial for two former executives, Dennis L. Kozlowski and Mark Swartz, when the judge declared a mistrial in their six-month proceeding.

New York Supreme Court Judge Michael Orbus blamed public anger over the blatant misbehavior of a lone jury holdout.

According to Orbus, it was the misbehaving public, not the 79-year-old lawyer, known as Juror #4, now infamous for her conspiratorial hand sign to the defense lawyers, who was to blame for his decision to let tycoons L. Dennis Kozlowski and Mark H. Swartz skate on charges they looted \$600 million from Tyco, Orbus said.

“It’s certainly a shame that this has to be done at this time. There has been no finding that this juror has done anything wrong,” the judge

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Safety

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scofflaw when it comes to safety regulations.

In the past three years alone, SimplexGrinnell (and former Grinnell Corporation) has been cited for five accidents on job sites.

Documents show OSHA opened investigations into two injury accidents at SimplexGrinnell worksites in Southern California in 2003.

The Van Nuys OSHA launched an investigation on Aug. 5, 2002, of an accident that occurred at a Palmdale, Calif. jobsite. OSHA has initially slapped Simplex-Grinnell with two violations, with \$5,750 in fines. As the case is still marked open on the OSHA website, no other background information was available, including details on the nature and severity of the accident. (*Inspection #300826138*)

The Los Angeles OSHA office

began another investigation into an El Segundo, Calif. accident on June 30, 2003. This accident investigation lists three initial violations against Simplex Grinnell with penalties totaling \$5,370. OSHA has initially cited them for violating industry standards for accident prevention programs. This probe also remains open, records showed. (*Inspection #126061373.*)

One of the two investigations into SimplexGrinnell accidents reported in 2002 remains open.

The Van Nuys office opened this unfinished look-see July 2, 2002. SimplexGrinnell was cited for three violations, racking up \$1,300 in fines at the Canyon County, Calif. jobsite. No details were yet available. (*Insp. #126042563*)

The OSHA office in Concord, Calif. began another investigation into the other 2002 accident on April 16, 2002. The offense garnered the company a violation, with

OSHA demanding a penalty of \$300. The probe was officially closed Nov. 25, 2002. (*Inspection #125741322*)

Lastly, on Feb 25, 2001, OSHA inspectors recorded another acci-

In the past three years alone, SimplexGrinnell (and former Grinnell Corporation) has been cited for five accidents on job sites.

dent, this time involving the former Grinnell Fire Protection. It seems that Grinnell managed wiggle out of any sort of responsibility for the accident, which occurred in Auburn, Ind. Few details were available but the investigation was closed March 28, 2001. (*Inspection #300718046*)

Grinnell Corporation, Central Sprinkler kiss and make up

Many industry observers know Grinnell acquired Central Sprinkler a few years ago, but few know Central Sprinkler had earlier charged Grinnell, in at least four separate lawsuits, with improperly preying upon them through massive patent infringements.

The following lawsuits allow observers to peek into the kinds of activities that could allow a company to engage in improper anti-competitive practices.

Interestingly, in one of the suits, Central Sprinkler charged Grinnell

with infringing on Central Sprinkler's design of the OMEGA sprinkler head. Of course, defects in the OMEGA sprinkler head triggered a large product recall, encompassing tens of millions of dollars worth of products.

The following is a synopsis of the main cases involving Central Sprinkler and Grinnell.

The Early Suppression Fast Response Sprinkler

On Dec. 31, 1998, Central Sprinkler filed suit in the U.S. District

Court of Eastern Pennsylvania for patent infringement on a low pressure, early suppression, fast response sprinkler. Grinnell, through Star Sprinkler, began marketing the Pulsar ESFR-25 sprinkler in violation of Central Sprinkler's patent, according to this federal court suit. (*Case #98-CV-6789*)

The Wide Coverage Sprinkler Head

Central Sprinkler designed and patented a new type of fire protec-

Central Sprinkler cont'd, page 10

Osha violations

The following is a list of Occupational Safety and Hazard Administration (OSHA) violations involving the Grinnell companies. The listing only represents violations incurred between 1998 and 2004. The violations listed reflect initial citations and fines. The amounts may have been reduced or bargained down at later dates. Investigations of accidents may still be open and therefore, violations and/or fines were not be available at the time of publication. For more information see the OSHA website at: <http://www.osha.gov>

Inspection #	Date	Location	Violation(s)	Fine
306376708	1/29/04	570 Sh 287, Broomfield, CO	2 serious	\$3,400
307176719	12/9/03	3851 Evergreen Parkway, Bowie, MD	3 other	
307110874	10/20/03	4505 S. Maryland Parkway, Las Vegas, NV	1 serious	\$1,375
306747429	10/3/03	300A Phillip Randolph Blvd., Jacksonville, FL	1 other	
307052811	9/3/03	427 3rd Ave. SE, Hickory, NC	1 other	
300826138	8/5/03	2825 E. Ave. P, Palmdale, CA	ACCIDENT	Not Available
126061373	6/30/03	909 N. Sepulveda, El Segundo, CA	ACCIDENT, 3 other	\$5,370
116523622	2/5/03	Rt. 5, Box 697, Clarksburg, WV	2 serious, 1 other	\$2,163
110529724	12/9/02	Area 41, Bldg. 41350, Las Flores, Camp Pendleton, CA	1 other	
305902777	10/22/02	1234 Steamboat Dr., Fayetteville, AR	1 serious	\$975
305412967	7/12/02	419 Cross Creek Mall, Fayetteville, NC	1 other	
126042563	7/2/02	17911 Wren Dr., Canyon Country, CA	ACCIDENT	Not Available
305054439	5/31/02	104 W. Stone Dr., Kingsport, TN	1 other	
125741322	4/16/02	2016 McDonald Ave., Richmond, CA	ACCIDENT, 1 other	\$300
303938484	3/14/02	6205 Peachtree Dunwoody, Atlanta, GA	1 other	
304324767	12/6/01	141 Weis, Cottleville, MO	1 serious	\$675
304495070	6/5/01	652 Eastern Star, Rd., Kingsport, TN	1 serious, 2 other	\$800
302578810	5/31/01	8605 Fm 1405, Baytown, TX	1 other	
300463882	4/10/01	Dow Wv Operations, 3200 Kanawha Turnpike, South Charleston, WV	1 unclassified	\$1,800
303212955	3/7/01	Walmart Store, 908 Spartan Dr., Richmond, MO	1 serious	\$2,250
303739437	2/28/01	17575 Highway 79, Middletown, IA	2 serious	\$5,850
300718046	2/15/01	4371 Country Rd. 15, Auburn, IN	ACCIDENT	Not Available
302620919	10/31/00	Highway 80 E, Waugh, AL	4 serious	\$6,608
125618157	10/18/00	681 Lincoln Ave., Napa, CA	1 other	\$225
303495550	9/29/00	2525 Pot Spring Rd., Timonium, MD	1 other	
303779466	9/7/00	200 Southwest A, Bentonville, AR	1 other	
300658036	6/21/00	Bldg. 1791, Naval Station Roosevelt Roads, Ceiba, Puerto Rico	1 serious, 1 other	\$875
303637284	6/16/00	Hyatt Hotel & Casino, 111 Country Club Dr., Incline Village, NV	1 other	
303543797	5/12/00	Metro Food Market, Westminster, MD	1 serious, 1 other	\$750
303276455	4/20/00	3198 Gracefield Rd., Silver Spring, MD	1 other	
303161459	4/12/00	10610 Bluegrass Parkway, Louisville, KY	2 other	

OSHA

Cont'd from page 3

Inspection #	Date	Location	Violation(s)	Fine
303161442	4/10/00	500 Fielding Rd., Versailles, KY	2 serious, 2 other	\$2,625
303364376	3/23/00	W. Henrietta Rd., Henrietta, NY	1 repeat, 1 other	\$200
122182975	3/15/00	3401 Lee Parkway, Dallas, TX	1 other	
303099725	11/22/99	Storage World, 6100 West Broad St., Glen Allen, VA	4 serious, 1 other	\$2,800
301187878	11/16/99	Sac Rd. & Fairchild Hwy., Fairchild AFB, WA	1 other	
302532767	11/10/99	2280 Corporate Circle, Henderson, NV	1 serious	\$875
303100127	9/16/99	901 SE J St., Bentonville, AR	1 serious, 1 other	\$450
302888284	9/10/99	6915 Crain Highway, LaPlata, MD	1 serious	\$700
302876677	9/8/99	5716 Townsen, Fort Smith, AR	1 other	
302884804	9/1/99	9050 Iron Horse Ln., Pikesville, MD	4 other	
302881719	8/17/99	7125 Columbia Gateway Dr., Columbia, MD	2 other	
125394817	7/27/99	424 S Van Buren St., Monroe, IN	5 serious, 10 other	\$8,100
302425202	7/20/99	Sam Rittenberg Blvd., Charleston, SC	1 serious	\$400
120533534	6/30/99	2010 Old Jackson Rd., Henderson, TN	4 serious, 3 other	\$4,951
302257555	4/28/99	10 North Tenth, St. Louis, MO	1 other	\$2,125
118121219	3/9/99	5900 South Cargo Rd., Cleveland, OH	1 serious	\$525
302075296	2/22/99	1776 Grant St., Denver, CO	5 serious	\$12,500
127296861	1/21/99	516 Metro Airport, Romulus, MI	1 serious	\$300
302465422	11/23/98	10230 Statesville Blvd., Cleveland, NC	3 other	
300139979	11/18/98	155 Glen Cove Rd., Carle Place, NY	12 serious	\$36,000
302493929	10/29/98	484 Inwood Ave. N, Oakdale, MN	1 other	\$100
127323830	8/11/98	1100 E Fairview Ave., Johnson City, TN	1 serious	\$150
302125802	8/6/98	Mt. Olive Pickle Company, Mount Olive, NC	1 serious	\$500
301303293	6/22/98	14238 & 14278 E Grand Dr., Aurora, CO	2 other	\$850
301974978	6/9/98	2200 E Newlands Dr., Fernley, NV	2 other	
301974770	6/1/98	Carson Valley Medical Mall, 925 Ironwood Dr., Minden, NV	1 other	
302140793	5/15/98	2800 NW 29th Ave., Portland, OR	4 other	\$500
125515866	4/13/98	1991 Broadway, Redwood City, CA	1 other	\$150
301876025	4/9/98	400 W Broadway, Moore, OK	1 other	
114972458	4/3/98	800 Mausoleum Rd., Shelbyville, IN	1 other	
301914461	3/10/98	9100 S. Hills Blvd., Broadview Heights, OH	1 serious	\$1,125
301913505	2/4/98	Food Processing Plant SR 422, Hiram, OH	3 other	\$550
301755823	1/15/98	1950 Airport Rd., Sumter, SC	1 serious	\$1,750

Total proposed fines: over \$111,000 in 6 years

*134 total OSHA violations, 44% of which were serious or repeat violations
5 accidents in the last 3 years alone!*

Sample of claims that say Grinnell at fault for injuries

The following litigation is only a small sample of the injury lawsuits involving Grinnell.

Grinnell Fire Protection Systems, et al v. Gregory Wilson; Case #C-02-5692; Filed 5/21/02; Baltimore County (Md.) Circuit Court

Grinnell appealed a workers compensation ruling won by Wilson. Wilson had won his workers compensation claim after being injured.

Grinnell Fire Protection Systems, et al v. State Farm Insurance Company; Case #02SV1613; Filed 2/19/02; Denver County (Colo.) District Court

A Grinnell employee was injured in an automobile accident. Grinnell paid out \$50,000 as a settlement of the workers compensation claim. The company sought to recover their money from State Farm Insurance Company.

Wilfred Constable, Daniel Cowden, et al v. Grinnell Corporation, et al; Case #BC 205644; Filed 2/19/99; Los Angeles County (Calif.) Superior Court

Six plaintiffs alleged Grinnell and others were responsible for their asbestos-related illnesses.

Maryanne Sackwar v. Jereme S. Huntress, Grinnell Fire Protection, et al; Case #727287; Filed 1/99; San Diego County (Calif.) Superior Court

Maryanne Sackwar alleged that Grinnell and one of their employees were responsible for her injuries during a car accident.

Toni Sheppard v. Grinnell Fire Protection Systems, et al; Case #593439; Filed 6/26/97; San Diego County (Calif.) Municipal Court

Sheppard sued Grinnell and its parent company, Tyco, alleging that the company was responsible for negligently injuring her. She sued for \$15,000 in damages and medical expenses.

Keith J. Vercurse v. Grinnell Fire Protection; Case #86735TD2; Filed 4/97; Shelby County (Tenn.) Circuit Court

Vercurse injured his knee while working for Grinnell. He petitioned for a settlement for his medical expenses.

Gayle Schick, et al v. Grinnell Fire Protection Systems Company, et al; Case #99CV 521; Filed 2/12/99; Arapahoe County (Colo.) District Court

Schick was injured when scaffolding collapsed on a construction job at the

Injuries cont'd, page 6

Faulty coupling paralyzes man, Grinnell cited

Gary Smith was an employee at a lead mining and processing facility in rural Missouri. One day, a Grinnell designed and manufactured coupling broke loose on an pressurized air hose. The hose struck Smith in the neck causing fractures in his vertebrae, leaving him a helpless quadriplegic.

The hose struck Smith in the neck causing fractures in his vertebrae, leaving him a helpless quadriplegic.

The lawsuit, filed in Dec. 1980 in the St. Louis City Circuit Court, named Grinnell and Smith's employer, Ozark Lead Company, among others as defendants.

This court case should be a warning to consumers of Grinnell products. If a product is defective and causes injury to an employee, workers compensation rules do not protect an employer from being sued. An employer may end up being dragged into court and forced to defend itself against a claim or problem that may have really been Grinnell's fault. (Cause # 802-06347)

Grinnell co-defendant in asbestos fatality

Elma Marquez, et al v. Atlas Turner Inc., Asbestos Corporation Limited, Grinnell Corporation et al

Grinnell Corporation remains locked in a massive Los Angeles asbestos death lawsuit, a review of court documents has revealed.

Filed July 2, 2002 in Los Angeles Superior Court, *Marquez, et al v. Atlas Turner, et al* names Grinnell as one of some two dozen defendants.

Trial is scheduled to open June 2 before Judge Kenneth R. Freeman. Arguments are expected to take 20 days, with no further continuances allowed, latest documents showed.

Elma Marquez sued Grinnell and its co-defendants, alleging they were all directly or indirectly responsible for the March 29, 2002 wrongful death of her spouse, Manuel Marquez. She contends her husband died as a result of his exposure to asbestos.

The petitioners' demands include general and punitive damages "according to proof," "damages for fraud," recovery of "medical and related expenses," compensation for "loss of earnings... loss of support," exemplary damages, and, of course, cost of suit.

Also sought in the suit is compensation for "loss of services, marital relations, society, comfort, companionship, love and affection of said spouse."

As a result of these depravations, Mrs. Marquez contends she also suffered "severe mental and emotional distress and general nervousness..."

The Marquez lawsuit is one of many lawsuits that derive from an alleged conspiracy between asbestos manufacturers and those who sell their goods, tracing all the way back to 1929.

According to the suit, the defen-

dants "knew or should have known" there were inherent dangers posed by the handling and use of their products, but did not heed this knowledge, nor take action to notify or protect exposed workers, such as Mr. Marquez.

"Decedent's exposure to asbestos and asbestos-containing products caused severe and permanent injury and the ultimate death of decedent, to wit: Decedent was diagnosed with lung cancer on or about February 2002," noted the complaint.

"Decedent suffered, and subsequently died on March 29, 2002, from lung cancer ... Decedent was not aware at the time of [his] exposure that asbestos or asbestos-containing products presented any risk of injury and/or disease," the 52-page complaint continued.

The lawsuit makes for interesting reading, especially for workers who may have been directly exposed to asbestos products. It

also explains how a profitable industry conspired over time to cloud, and even falsify, scientific and medical evidence of asbestos dangers.

The decades-long campaign by asbestos manufacturers and users represented a concerted "plan of misrepresentation and influence over the medical literature..."

"Conspirators fraudulently withheld information from the public and affirmatively misrepresented to the public and responsible legislative and regulatory bodies that asbestos did not cause cancer..."

While Grinnell may only be one actor in the sinister scam depicted in the Marquez lawsuit and its participation in this conspiracy, is instructive.

If proven, it would clearly mark Grinnell as a bad corporate citizen, all too willing to risk the health and lives of its employees and customers in pursuit of short-term profit. (*Case #BC276875*)

Injuries

Cont'd from page 5

McCoy Peak Lodge in Beaver Creek, Colo. She charged that the scaffolding collapse was caused by the negligence and dangerous actions of Grinnell.

George N. Cola, Ann Cola v. Grinnell Fire Protection Company, et al; Case #GD 003; Allegheny County (Pa.) Court of Common Pleas

The Cola's lawsuit charges that a Grinnell owned and operated vehicle caused their injuries.

A look at lawsuits involving Grinnell

The following lawsuits are just a sampling of Grinnell Fire Protection's voluminous and varied legal problems.

Litigation filed against Grinnell

Southwest Administrators, Inc. v. Grinnell Corp.; Case #CV 01-03360; Filed in 4/01; U.S. District Court, Central Calif.

This pension fund sued Grinnell alleging breach of contract and demanding Grinnell fork over some \$3,390 it had promised to a pension trust fund for Fullerton, Calif. warehouse workers.

West Bend Transit & Service Co. v. Grinnell Fire Protection; Case #00SC0851; Filed 7/21/00; Washington County (Wis.) Circuit

West Bend Transit sued Grinnell for \$75 in freight services related to the shipping and delivery of air compressors to Grinnell's offices in Menomonee Falls, Wis. When Grinnell neglected to pay the invoiced amount, West Bend sued. On Aug. 22, 2000, the court ordered a money judgment against Grinnell in that amount, plus \$95 in court costs.

DCB Construction Co., Inc. v. Monaco I-70 Industrial Park, Grinnell, et al; Case #99CV7746; Filed in 1999; Denver (Colo.) District Court

DCB Construction sued Monaco Industrial Park alleging fraud and naming Grinnell as an involved third party. DCB Construction claimed Grinnell tried to escape a "build to suit" lease agreement by denying responsibility for any of the construction design costs. Monaco Industrial Park accused Grinnell of unjust enrichment and fraud by, among other means, falsely claiming the lease was "concluded" and transmitting a signature page "in bad faith."

Briek Construction & Restoration, Inc. v. Grinnell Fire Protection Systems; Case #678346; Filed 1/20/98; San Diego County (Calif.) Municipal Court, Kearny Mesa Small Claims Division

Briek sued Grinnell in small claims court for failing to pay \$3,810 for work Briek performed at an office building in Chula Vista where a fire sprinkler system installed by Grinnell failed on June 27, 1997, flooding the premises. The court awarded a judgment in that amount to Briek, official documents showed.

Grinnell Corp. v. Minh Chow (d.b.a. Minh Construction); Case #571987; Filed 6/16/95; San Diego County (Calif.) Municipal Court

Grinnell sued this construction company for \$9,235, claiming Minh Chow owed Grinnell that sum for "work, labor, services and materials" provided, plus legal fees, interest and court costs. Chow defaulted for that amount, court documents showed.

Grinnell sues, but found to be part of problem

Grinnell v. Trust Property Management, FSF Breeze/Poinsettia Associates, LLC

In Jan. 2001, Grinnell sued Trust Property Management for \$36,614, alleging non-payment for materials and labor for fire sprinkler repairs.

The case went to a jury in Feb. 2002 and in a convoluted verdict, the jury found at one point that Grinnell was negligent and awarded FSF Breeze/Poinsettia Associates \$14,475 in damages. This offset \$17,505 that FSF Breeze/Poinsettia Associates owed to Grinnell for their repair work.

This case raises several important questions for construction customers. When a contractor is suing many of their customers, it may be an indication that disgruntled customers are unwilling to pay Grinnell's full billing for questionable work. In other words, a contractor's legal action against its own customers is not necessarily an indication of deadbeat customers, it may indicate questionable work.

In this instance, Grinnell sued for \$36,614, but was only awarded \$17,505 and was found liable for \$14,475 in negligence. (Case #GIC 761103)

Lawsuits cont'd, page 8

Lawsuits

Cont'd from page 7

Grinnell Corp. v. Campbell Industries; Case #573914; Filed 6/23/95, San Diego County (Calif.) Municipal Court

Grinnell sued Campbell for about \$1,983, plus \$495 in court costs, yet dismissed the case only four months later. The FPC wonders why Grinnell would put a client through the frustration of a lawsuit when a dispute was about to be resolved within a few months.

Grinnell Fire Protection Systems Co. v. Robert Brandhorst (d.b.a. Youth Education for Soulard, Inc.); Case #900-16316; Filed 11/14/90; St. Louis (Mo.) Circuit Court, Division 29

In November 1990, Grinnell sued Brandhorst as the executive director of the day care center for allegedly refusing to pay \$3,653 for services rendered. The following month, Brandhorst filed a counterclaim accusing Grinnell of “fraudulent misrepresentation.” According to Brandhorst, a Grinnell representative had on Dec. 15, 1989, “informed the Defendant [Brandhorst] that the final bill for Plaintiff’s services would be between ... [\$2,700] and... [\$2,800].”

Brandhorst asserted that, through “wrongful acts,” Grinnell representatives induced him to sign certain forms that were later “materially altered” so as to increase the bill by some \$853 more than Grinnell was entitled to receive. Brandhorst attached signed documents supporting his version of the events.

The counterclaim continued, stating the day care center “never received the proper inspection, test and certification for which it had hired [Grinnell] in the first instance.”

The suit was settled out of court “at [Grinnell’s] cost” Jan. 24, 1991.

Litigation filed by Grinnell

Grinnell Fire Protection (a.k.a., SimplexGrinnell LP) v. Timothy J. McManus; Case #02CV5351; Filed in 2002; Denver (Colo.) District Court

Grinnell sued McManus for alleged non-payment of some \$29,746 billed in September 2001 for the installation of fire sprinklers in a 20,000-square-foot cold storage freezer. McManus countered claiming Grinnell’s negligence in the installation “caused damage to the fire sprinkler system,” leading to “property damage, repair costs, and loss of use of the property.”

Grinnell Fire Protection Systems Co., Inc. v. Metropolitan Contracting Co., et al; Case #97C458; Filed 4/23/97; Douglas County (Colo.) Court

Grinnell sued Metropolitan along with others alleging breach of contract for work supposedly done at the Park Meadows Mall in Douglas County.

Metropolitan’s chief executive officer, Tim Swan, answered Grinnell’s

Franklin Mint sues Grinnell, wins \$149K

The Franklin Mint, Inc. v. Grinnell Corporation

Most of us have seen the full page Franklin Mint ads in glossy magazines, advertising special runs of commemorative coins. However, Franklin Mint and Grinnell are not anxious to commemorate what happened when a sprinkler system piping froze and burst, causing water to flood Franklin Mint’s Wilmington, Delaware facility, resulting in over \$149,000 in damages.

Franklin Mint sued Grinnell and leveled several allegations, “[Grinnell] ... failed to and neglected to perform its work, labor and services such that [Grinnell] acted improperly negligently, carelessly and/or in a unworkmanlike manner.”

Franklin Mint went on to list alleged negligent actions such as: “a) failing to verify that the sprinkler system piping was properly pitched and/or drained; b) failing to change or otherwise adjust the pitch and drainage of the sprinkler system piping; c) failing to warn Franklin Mint ... of the need for inspections of the drainage... of the sprinkler system piping.”

Franklin Mint sued Grinnell for damages in excess of \$100,000. (*Case # 96CV-179*)

Lawsuits cont'd, page 9

Lawsuits

Cont'd from page 8

complaint May 2, 1997 with the following exasperated plea to the court: “For over 10 years we have regularly employed Grinnell for various work.... This is not the first time that we have found their accounting and billing procedures to be less than reliable. I am greatly disturbed that, not only have they wrongly involved us in this matter, but the first contact, which we received on this subject came in the form of a Court Summons.... I am not an attorney and am trying to minimize the cost of defending this spurious claim.... in light of the cavalier manner in which Grinnell has involved us, we also request that the Court order Grinnell to reimburse Metropolitan for its expenses....”

Tycoons

Cont'd from page 1

reportedly said.

The judge later said he decided his mistrial ruling on the claim by one juror – again, apparently Juror #4 – that she had received a “coercive letter” because of her position on the verdict.

This suspiciously convenient excuse raises more questions. For instance, while her name may have gained currency in the general public, it is highly unlikely that her mailing address did.

And, if her mailing address was readily available in the phone book or the Internet, it gives the American public even more reason to wonder why on earth this judge did not immediately dismiss her from the jury the moment she tossed her the-coast-is-clear hand sign to the defense.

Tears were shed in the courtroom when Orbus made his ruling, the *New York Times* reported: “The judge’s announcement appeared to move Mr. Kozlowski and at least one juror to tears.”

Whether Kozlowski’s were tears of laughter at the jury system, and the juror’s were tears of sadness at

the complete sellout of the American justice system, remains to be seen.

What lies ahead? Possibly another trial, but maybe not. District attorneys usually have the option of refiling charges and they generally do so when the jury appears to have been only a vote or two away from a guilty verdict.

However, in expensive civil trials



The two ex-executives are accused of stealing \$600 million.

like this, where the defendants are arguably richer than the state — and the alleged wrongdoers can better afford escaping justice than the state can delivering it — the state often backs out.

The only party who definitely lost was the public, which Judge Orbus pronounced guilty of venting its fury at the realization that the Blind Lady of Justice was being raped behind the closed doors or the jury room.

And what about the vanished \$600 million? It’s gone, of course. Getting it back was never an issue. The only issue at trial was whether it was legally, or illegally looted.

The trial highlighted many examples of greedy good-timing that were presented to the jury.

For instance, there is the now famous tale of the \$6,000 shower curtain or the testimony and evidence and a half-hour videotape the defendants undoubtedly now wish they had destroyed, which showed Kozlowski and pals romping around an ice sculpture depicting Michelangelo’s “David” urinating vodka during a \$2 million birthday bash thrown on the island of Sardinia.

How many asbestos wrongful death lawsuits Grinnell had to beat and how many employees had to be kept at minimum wage to afford such executive perks is impossible to say, exactly.

Central Sprinkler

Cont'd from page 2

tion sprinkler that covered a wider area than previous designs.

It seems that rather than trying to design an even better sprinkler, Grinnell simply stole elements of Central Sprinkler's designs in the new Grinnell Pendant F987 ELO sprinkler.

Central Sprinkler's lawsuit

Grinnell simply stole elements of Central Sprinkler's designs in the new Grinnell F987 ELO sprinkler.

charged that they warned Grinnell of the infringement, but that Grinnell's continued infringement was "deliberate and willful."

Central Sprinkler asked for triple damages against Grinnell. (Case # 94-7482)

The Omega Design

Central Sprinkler had also patented the OMEGA sprinkler

head design, with its distinctive "three parallel and circular plates which operate as the heat-collecting device" for the sprinkler head. "The OMEGA sprinkler heads... enjoyed substantial commercial success," according to the Central Sprinkler lawsuit.

Again, rather than design a better product, Grinnell simply pirated the design and marketed it as their F990 Aquarius Residential Pendant Sprinkler, according to the suit.

These examples seem to indicate how far Grinnell has slipped as the innovative inventor and designer of several generations of new fire protection devices. It appears that Grinnell apparently stopped being innovative and simply stole designs.

This suit charged Grinnell with unfair competition and federal trademark infringement and with using false designations of origin to deceive fire sprinkler customers. (Case #94-CV-0606 & 94-CV-4619)

Grinnell changed price, sued cable TV museum

Grinnell Corporation v. National Cable Television Center and Museum

Grinnell took a job supplying, delivering and installing a fire protection system at the National Cable Television Center and Museum in Denver. But during the job, Grinnell apparently decided they couldn't do the work for the previously agreed-on price.

Grinnell blamed the site owner for "substantial changes in the construction site conditions" and "other incomplete and inaccurate information," and insisted on more money from the owner. When the site owner was slow to pay Grinnell's hiked bill, Grinnell filed a lien against the museum. Then Grinnell sued for \$39,382. (Case # 01CV6603)



Corporate Information

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Phone: 609-720-4200

Edward D. Breen, Chair & CEO
David FitzPatrick, CFO



Beneficial Fire Industry Meetings



The following is a list of fire safety related events for the rest of 2004. You can also find information about National Fire Protection Association (NFPA) Seminars and NFPA Technical Committee Meetings.

MAY 2004

May 3-7
NFPA Professional Development Week, Decatur, GA. Call +1 800 344-3555 or +1 508 895-8300.

May 11-13
Applying NFPA 101®, Life Safety Code®, to the JCAHO Statement of Conditions, Quincy, MA. Call +1 877 223-6866.

May 17-21
NFPA Professional Development Week, Ft. Lauderdale, FL. Call +1 800 344-3555 or +1 508 895-8300.

May 19-21
Carleton Short Course on Engineered Fire Safety Systems, Carleton University, Ottawa, Canada.

May 23-26
NFPA World Safety Conference & Exposition®, Salt Palace Convention Center, Salt Lake City, UT.

May 23-26
neforum: NEC® Users Symposium & Exposition, Salt Palace Convention Center, Salt Lake City, UT.

JUNE 2004

June 7-11
NFPA Professional Development Week, San Francisco, CA. Call +1 800 344-3555 or +1 508 895-8300.

June 14-18
NFPA Professional Development Week, New Orleans, LA. Call +1 800 344-3555 or +1 508 895-8300.

June 21-25
NFPA Professional Development Week, Schaumburg, IL. Call +1 800 344-3555 or +1 508 895-8300.

June 25-27
NFPA Fire Protection Research Foundation's ninth annual Fire Risk

& Hazard Assessment Symposium, Loews Annapolis Hotel, Annapolis, MD. Call +1 617-984-7281.

JULY 2004

July 5-7
Interflam 2004, Edinburgh Conference Centre, Guildford Grove, London. For more information, call +44 (0)20 8692 5050.

July 20-22
Americas' Fire Expo, Miami Beach Convention Center, Miami, FL.

AUGUST 2004

Aug. 16-20
NFPA Professional Development Week, Dulles, VA. Call +1 800 344-3555 or +1 508 895-8300.

Aug. 26-30
NFPA Professional Development Week, Farmington, CT. Call +1 800 344-3555 or +1 508 895-8300.

Aug. 30- Sept. 1
NFPA Professional Development Week, Norwood, MA. Call +1 800 344-3555 or +1 508 895-8300.

OCTOBER 2004

Oct. 4-8
NFPA Professional Development Week, Las Vegas, NV. Call +1 800 344-3555 or +1 508 895-8300.

Oct. 11-15
NFPA Professional Development Week, East Lansing, MI. Call +1 800 344-3555 or +1 508 895-8300.

Oct. 11-15
NFPA Facility Fire Safety seminar, Quincy, MA. Call +1 800 344-3555 or +1 508 895-8300.

Oct. 18-22
NFPA National Electrical Code® seminar, San Francisco, CA. Call +1

800 344-3555 or +1 508 895-8300.

Oct. 19-24
China Fire 2004, Beijing, China. This is the premier fire event in China and is held every two years.

Oct. 25-29
NFPA Professional Development Week, Dallas, TX. Call +1 800 344-3555 or +1 508 895-8300.

Oct. 25-29
NFPA Professional Development Week, Norwood, MA. Call +1 800 344-3555 or +1 508 895-8300.

NOVEMBER 2004

Nov. 1-5
NFPA Professional Development Week, Denver, CO. Call +1 800 344-3555 or +1 508 895-8300.

Nov. 8-12
NFPA Professional Development Week, Minneapolis, MN. Call +1 800 344-3555 or +1 508 895-8300.

Nov. 13-17
NFPA Fall Educational Conference™, Miami Beach, Fontainebleau Hilton.

Nov. 15-19
NFPA Professional Development Week, Charlotte, NC. Call +1 800 344-3555 or +1 508 895-8300.

Nov. 17-21
23rd International Fire Chiefs' Association of Asia (IFCAA) General Conference, 2004. Taipei, Taiwan.

Nov. 29- Dec. 3
NFPA Professional Development Week, Chantilly, VA. Call +1 800 344-3555 or +1 508 895-8300.

DECEMBER 2004

Dec. 6-10
NFPA Professional Development Week, Orlando, FL. Call +1 800 344-3555 or +1 508 895-8300.

Dec. 13-16
NFPA National Electrical Code® seminar, New Orleans, LA. Call +1 800 344-3555 or +1 508 895-8300.

Visit the National Fire Protection Associations's website: <http://www.nfpa.org>

Sources

LITIGATION:

Grinnell Fire Protection v. Timothy J. McManus. Case #02CV5351. 7/16/02. Denver City and County District Court, CO.

Elma Marquez, et al v. Atlas Turner, Inc., Grinnell Corporation, et al. Case #BC276876. 7/2/02. Los Angeles County Superior Court, CA.

Grinnell Fire Protection Systems Company, Birmingham Fire Insurance Company v. Gregory Wilson. Case #C-02-5692. 5/21/02. Baltimore County Circuit Court, MD.

Grinnell Fire Protection Systems/Tyco International, Inc., et al v. State Farm Insurance Company. Case #02CV1613. 2/19/02. Denver County District Court, CO.

Grinnell Corporation v. National Cable and Television Center and Museum, Inc., Adolfson & Peterson. Case #01CV6603. 11/30/01. Denver City and County District Court, CO.

Southwest Administrators, Inc. v. Grinnell Corporation. Case #CV01-03360 RJK AIJX. 4/12/01. U.S. District Court, Central District, CA.

Grinnell Fire Protection v. Trust Property Management, et al. Case #GIC 761103. 1/19/01. San Diego County Superior Court, CA.

Grinnell Fire Protection System, Co. v. Robert Brandhorst, d.b.a. Youth Education for Soulard. Case #900-16316. 11/14/90. St. Louis Associate Circuit Court, MO.

West Bend Transit & Service Co. v. Grinnell Fire Protection. Case #00SC0851. 7/21/00. Washington County Circuit Court, WI.

DCB Construction Company, Inc. v. Monaco I-70 Industrial Park, LLC, et al v. Grinnell Corporation. Case #99CV7746. 5/15/00. Denver County and City District Court, CO.

Wilfred Constable, Daniel Cowden, Charles Monette, Theodore Mendoza, Charles Pimentel, Elwood Sager v. ACandS, Inc., Grinnell Corporation, et al. Case #BC205644. 2/19/99. Los Angeles County Superior Court, CA.

Gayle Schick, Department of Healthcare Policy and Financing, et al v. DCC Interiors, Inc., Grinnell Fire Protection System Company, et al. Case #99CV 521. 2/12/99. Arapahoe County District Court, CO.

Maryanne Sackwar v. Jereme S. Huntress, Grinnell Fire Protection Systems Company. Case #727287.1/13/99. San Diego County Superior Court, CA.

Central Sprinkler Company v. Tyco International, LTD, Grinnell Corporation, et al. Case #98-CV-6789. 12/31/98. U.S. District Court, Eastern District of Pennsylvania.

Briecq Construction & Restoration, Inc. v. Grinnell Fire Protection Systems. Case #678346. 1/27/98. San Diego County Municipal Court, CA.

Toni Sheppard v. Charles Turner, Tyco International, Grinnell Fire Protection Systems, et al. Case #593439. 6/26/97. San Diego County Municipal Court, CA.

Grinnell Fire Protection Systems Company, Inc. v. CNI Contractors, Metropolitan Contracting Company. Case #97C458. 4/23/97.

Douglas County Court, CO.

Keith J. Vercruse v. Grinnell Fire Protection. Case #86735TD2. 4/14/97. Shelby County Circuit Court, TN.

The Franklin Mint, Inc. v. Grinnell Corporation. Case #96 CV-179. 1/11/96. U.S. District Court, Eastern District of Pennsylvania.

Grinnell Corporation v. Campbell Industries. Case #573914. 6/23/95. San Diego County Municipal Court, CA.

Grinnell Corporation v. Minh Chow, d.b.a. Minh Construction. Case #571987. 6/16/95. San Diego County Municipal Court, CA.

Central Sprinkler Company v. Grinnell Corporation. Case #94-7482. 12/14/94. U.S. District Court, Eastern District of Pennsylvania.

Central Sprinkler Corporation v. Grinnell Corporation. Case #94-CV-4619. 7/29/94. U.S. District Court, Eastern District of Pennsylvania.

Central Sprinkler Corporation v. Grinnell Corporation. Case #94-CV-0606. 1/31/94. U.S. District Court, Eastern District of Pennsylvania.

George N. Cola, Ann Cola v. Hercules, Inc., Grinnell Fire Protection Company. Case #G.D. 003. Allegheny County Court of Common Pleas, PA.

Gary Smith v. Boart Hardmetals, Inc., Grinnell Corporation, et al. Case #802-06347. 12/80. St. Louis City Circuit Court, MO.

OSHA:

All information obtained through OSHA web site on 3/18/04. Violation details can be found at: <http://www.osha.gov>

ARTICLES:

"Judge Declares Tyco Mistrial." Greg Clarkin. *CNN/Money*. 4/2/04.

"Judge Declares Mistrial in Case of Ex-Tyco Executives." Andrew Ross Sorkin. *The New York Times*. 4/2/04.

"A Precedent Looms, Verdict in Tyco Case May Set Tone For Other Trials." Jeffrey Krasner. *Boston Globe*. 3/11/04.

"Judge Dismisses Most Serious Charge Against Ex-Tyco Officers." Alex Berenson. *The New York Times*. 3/6/04.

"Tyco Fire & Security Names Dean Seavers President of SimplexGrinnell." Tyco Press Release. 1/12/04.

FIRE INDUSTRY INFORMATION:

Events obtained from the National Fire Protection Association website. 2/18/04. The Events calendar can be found at: <http://www.nfpa.org/ProfessionalDev/EventsCalendar/EventsCalendar.asp>

CORPORATE INFORMATION:

Tyco International (US), Inc. Business Report. Dun & Bradstreet. 3/23/04. <http://www.dnb.com>

Tyco International, Inc. Corporate Information. Tyco website. 3/23/04. <http://www.tyco.com/constants/contact.asp>

Simplexgrinnell LP Business Report. Dun & Bradstreet. 2/20/04. <http://www.dnb.com>

LASER is publishing information that contractors and companies do not and will not publish about themselves. LASER has relied on the public record to present this information to the public in an effort to promote safety, productivity, honesty and environmental compliance in the Construction Industry. Tyco and SimplexGrinnell have been given the opportunity to review this material for errors and inaccuracies and to make corrections and suggestions.

If you have any suggestions or questions, please contact James Wilson at LASER, Inc. 654 Kentucky St., Gridley, CA 95948, Phone (530) 846-6352, Fax (530) 846-5274 or online at laserinc@manznet.com. For more information, visit LASER's website at www.laser-inc.com
