

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

\* \* \* \* \*

ANNE ANDERSON, et al., \*

Plaintiffs, \*

v. \*

CRYOVAC, INC., et al., \*

Defendants. \*

\* \* \* \* \*

CRYOVAC, INC., \*

Third-Party  
Plaintiff, \*

v. \*

UNIFIRST CORPORATION, \*

Third-Party  
Defendant. \*

\* \* \* \* \*

UNIFIRST CORPORATION, \*

Fourth-Party  
Plaintiff, \*

v. \*

J.J. RILEY COMPANY and  
BEATRICE FOODS COMPANY, \*

Fourth-Party  
Defendants. \*

\* \* \* \* \*

FOURTH-PARTY COMPLAINT OF UNIFIRST CORPORATION

1. This is an action in contribution arising out of the third-party action of W.R. Grace & Co. ("Grace") against UniFirst Corporation ("UniFirst") in the above-entitled case. Relief is sought against J.J. Riley Company ("Riley") and Beatrice Foods Co. ("Beatrice"), defendants in the original action in this case, on the ground that they may be joint tortfeasors with and, if so, would be liable to UniFirst for all or part of Grace's claims against it.

**DOCKETED**

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2. Fourth-party plaintiff UniFirst is a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts and having its principal place of business in the Commonwealth of Massachusetts.

3. Fourth-party defendant Riley is located at 228 Salem Street, Woburn, Massachusetts. Riley is a family-owned business which, from 1910 to 1978 and since January of 1983, has operated a tannery. In addition to the property at 228 Salem Street, on which the tannery now is located, Riley also owns an undeveloped plot of approximately 15 acres (the "Riley Land"), situated to the northeast of the tannery.

4. Fourth-party defendant Beatrice is incorporated under the laws of the State of Delaware and has its headquarters in Chicago, Illinois. In December 1978, Riley was merged into Beatrice by an exchange of stock. The Riley Land was one of the assets acquired by Beatrice in this merger. From December of 1978 until January of 1983, Beatrice did business in Massachusetts through Riley.

5. This Court has jurisdiction over this claim under the doctrine of ancillary jurisdiction.

6. A defendant in the original action in this case, Grace has brought a third-party complaint (the "Third-Party Complaint") against UniFirst alleging that UniFirst is liable to it in contribution as a joint tortfeasor. Grace's claims are based upon strict liability, negligence, gross negligence and nuisance arising out of the alleged contamination of water consumed by the plaintiffs in this case ("Plaintiffs").

7. Acting jointly and/or severally, Riley and Beatrice have released, disposed of and/or allowed to be disposed of certain chemicals (the "Chemicals"), including organic solvents, on the Riley Land.

8. The Chemicals have entered the groundwater and travelled to Woburn City Wells G and H.

9. Plaintiffs consumed and were exposed to water that has been so contaminated by Riley and Beatrice.

10. The use, control, disposal of and/or allowance of disposal of the Chemicals by Riley and Beatrice constitutes an abnormally dangerous activity involving risk to Plaintiffs.

11. Riley and Beatrice breached their duties to Plaintiffs by failing to exercise reasonable care in the use, control, disposal of and/or allowance of disposal of the Chemicals.

12. Riley and Beatrice breached their duties to Plaintiffs by carrying out the use, control, disposal of and/or allowance of disposal of the Chemicals in reckless disregard for the health, safety and economic interests of Plaintiffs.

13. The contamination of groundwater in Woburn and of water supplied by Wells G & H caused by Riley and Beatrice creates a nuisance which is inimical to Plaintiffs' health and restricts their access to and use of ground water flowing beneath Woburn and beneath their property.

14. The release, disposal and/or allowance of disposal of the Chemicals on the Riley Land by Riley and Beatrice caused or contributed to the injuries, if any, suffered by Plaintiffs as a

result of contamination of groundwater in Woburn or of water supplied by Wells G and H.

15. Riley and Beatrice are liable to Plaintiffs for all injuries, if any, resulting from contamination of groundwater in Woburn or of water supplied by Wells G and H.

16. In the event UniFirst is held liable for any of the claims alleged in the Third-Party Complaint, Riley and Beatrice are joint tortfeasors and UniFirst is entitled to contribution from them.

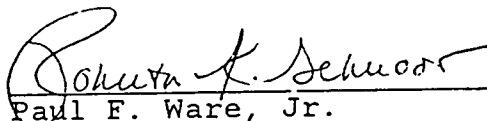
WHEREFORE, UniFirst demands judgment on its fourth-party complaint as follows:

1. For contribution from Riley and Beatrice with respect to any judgment recovered against UniFirst on the basis of the claims alleged in the Third-Party Complaint.

2. For such other and further relief as this Court deems just and proper.

UNIFIRST CORPORATION

By its attorneys,



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Dated: February 15, 1985

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