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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

MAXINE SURBER, PERSONAL
REPRESENTATIVE OF THE ESTATE OF
JEFFREY ALLAN SURBER,

Plaintiff,

v.

SHANGHAI ZHENHUA HEAVY
INDUSTRIES CO., LTD., a/k/a ZPMC, a
Peoples Republic of China corporation,

Defendant.

No.

**COMPLAINT FOR PRODUCT
LIABILITY AND WRONGFUL
DEATH**

JURY DEMAND

COMES NOW Plaintiff MAXINE SURBER by and through her attorneys Philip G. Arnold, Jeffery M. Campiche, and Peter G. Wogsland of Campiche Arnold, PLLC, and for product liability and wrongful death causes of action against Defendant SHANGHAI ZHENHUA HEAVY INDUSTRIES CO., LTD., alleges as follows:

PARTIES RESIDENCE

1. Plaintiff resides in Bonney Lake, Washington.
2. The Defendant SHANGHAI ZHENHUA HEAVY INDUSTRIES CO., LTD., a/k/a

1 ZPMC (hereafter referred to as Defendant SHANGHAI INDUSTRIES) is a foreign corporation located
2 in Shanghai, China, manufacturing ship-to-shore and port cranes.

3
4 **JURISDICTION**

5 3. The Plaintiff MAXINE SURBER is a citizen of the State of Washington.

6 4. The Defendant SHANGHAI INDUSTRIES's is domiciled in and its principal place of
7 business is Shanghai, China.

8 5. The amount in controversy without interest and costs, is \$10,000,000 which exceeds the
9 sum or value specified by 28 U.S.C. § 1332.

10 6. Diversity Jurisdiction exists by virtue of 28 U.S.C. § 1332.

11
12 **VENUE**

13 7. Jeffrey Surber was killed on March 12, 2013, while maintenancing a ship-to-shore crane
14 designed and manufactured by DEFENDANT SHANGHAI INDUSTRIES at the Pierce County
15 Terminal at Tacoma, State of Washington.

16 8. By virtue of 28 USC § 1391 (2) (venue is proper in a "judicial district in which a
17 substantial part of the events or omissions giving rise to the claim occurred ...") venue lies in the United
18 States District Court for the Western District of Washington.

19
20 **PROBATE**

21 9. MAXINE SURBER married Jeffrey Allan Surber on May 30, 1987 (marriage certificate
22 number 8704244005) and is his surviving widow.

23 10. MAXINE SURBER was issued Letter of Administration and appointed personal
24 representative of her husband's estate on November 1, 2013, by order of the Pierce County Superior
25 Court, cause number 13-4-01655-1.

26 11. MAXINE SURBER filed her OATH OF PERSONAL REPRESENTATIVE with the
27
28

1 Pierce County Superior Court on November 5, 2013, and is the lawful acting PERSONAL
2 REPRESENTATIVE OF THE ESTATE OF JEFFREY ALAN SURBER, DECEASED.

3 12. MAXINE SURBER brings this wrongful death action under RCW 4.20.010 and RCW
4 4.20.020 on behalf the ESTATE OF JEFFREY ALAN SURBER, DECEASED and the wrongful death
5 beneficiaries, including her and brings the survival action of JEFFREY ALAN SURBER under RCW
6 4.20.046 and RCW 4.20.060.
7

8 **SHANGHAI INDUSTRIES**

9 13. Defendant is a company organized under the laws of the People's Republic of China.
10

11 14. DEFENDANT SHANGHAI INDUSTRIES was formerly known as SHANGHAI
12 ZHENHUA PORT MACHINERY CO., LTD. (ZPMC), and SHANGHAI ZHENHUA PORT
13 MACHINERY (GROUP) CO., LTD. (hereafter referred to as PREDECESSORS).

14 15. DEFENDANT SHANGHAI INDUSTRIES is a continuation of the business enterprises
15 of its PREDECESSORS.
16

17 **JURISDICTIONAL FACTS – DEFENDANT SHANGHAI INDUSTRIES's**
18 **ACTIVITIES IN THE STATE OF WASHINGTON**

19 16. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS designed and
20 manufactured a ship-to-shore container crane model J142A00 with serial number ZP03-388-05 which is
21 the crane subject to this lawsuit involved in the death of Jeffrey Allan Surber (hereafter referred to as the
22 subject crane).

23 17. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS sold the subject
24 crane to a Washington purchaser and delivered it to the Pierce County Terminal in Tacoma,
25 Washington.
26

27 18. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS before Jeffrey
28 Surber's death sold:

- a. Seven (7) ship-to-shore container cranes including the subject crane to Washington purchasers in Tacoma, Washington, and delivered them to the Pierce County Terminal in Tacoma, Washington;
- b. Thirteen (13) ship-to-shore container cranes to the Port of Seattle and delivered them to Terminals 18, 30, and 46 in Seattle, Washington.
- c. Two (2) ship-to-shore container cranes to Washington purchasers and delivered them to the Husky Terminal in Tacoma, Washington; and,
- d. Two (2) ship-to-shore container cranes to Washington purchasers and delivered them to the Washington United Terminals in Tacoma, Washington.

19. Upon information and belief all of the aforementioned ship-to-shore container cranes were sold by DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS (seller) with a contract of sale:

- e. Requiring seller to ship the cranes DAT (delivered at terminal) to either the Ports of Seattle or Tacoma terminals.
- f. Requiring seller to provide a crew of workers to off load and assemble these cranes at the destination terminals from a specialized ship transporting them to the Ports of Seattle or Tacoma.
- g. Requiring seller to be responsible for the on-site erection, testing, assembly, and/or completion of the manufacture of these cranes at the destination terminals at the Ports of Seattle or Tacoma.
- h. Providing that title to these cranes remained with seller at the time the cranes were delivered to the Ports of Seattle or Tacoma terminals until a subsequent inspection and acceptance by the crane purchasers.
- i. Providing a walk-through of the cranes to determine if the fully assembled cranes were in compliance with the contractual specifications where typically the seller was represented in person at the Ports of Seattle or Tacoma by its Project Manager and Project Engineer.

(1) For example in August of 2003 at the Port of Seattle for project no. B1387P Yao Xue Jin, Project Manager, and Yang Zai Hua, Project Engineer for seller attended the walk through of three (3) ship-to-shore cranes sold by DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS to the Port of Seattle.

(2) For example on September 23, 2003, seller's Chief Electrical

1 Engineer, Zhou Qi, arrived in person to review testing of a ship-to-
2 shore crane at the Port of Seattle sold by DEFENDANT SHANGHAI
3 INDUSTRIES and/or its PREDECESSORS to the Port of Seattle.

4 j. Requiring seller to hold its purchasers harmless from liabilities in connection with
5 the contract.

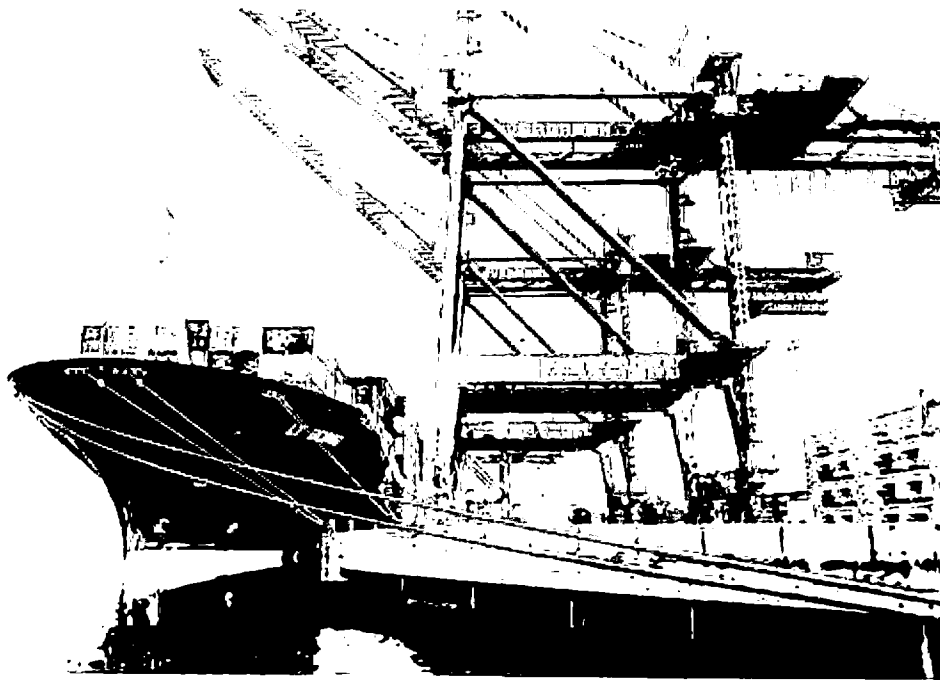
6 20. Before the death of Jeffery Surber DEFENDANT SHANGHAI INDUSTRIES and/or its
7 PREDECESSORS trained operators for the aforementioned cranes in Tacoma and Seattle, Washington.

8 21. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS has continued
9 on a yearly basis to sell the purchasers of these cranes spare parts and equipment in Washington state to
10 maintain the function of these cranes.

11 **FACTUAL ALLEGATIONS**

12 22. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS manufactured
13 and designed the subject crane.

14 23. The picture below is an example of the subject crane.



28 ABOVE PHOTOGRAPH OF PIERCE COUNTY TERMINAL
ZPMC SHIP-TO-SHORE CRANES

1 operator and two inspectors) inspecting the subject crane trolley cable.

2 25. Inspecting the overhead trolley cable placed Jeffrey Surber in the way of a crushing
3 hazard as illustrated by the picture below from the Washington State Department of Labor and
4 Industries investigation re-enacting Jeffrey Surber's death.
5

6 STATIONARY SHEAVE BLOCK



25 RECREATION PHOTOGRAPH FROM THE WASHINGTON STATE
26 DEPARTMENT OF LABOR AND INDUSTRIES INVESTIGATION SHOWING POSITION OF
27 JEFFREY SURBER ON THE ROPE INSPECTION PLATFORM LOCATED ON THE TROLLEY
28 WHEN CRUSHED AND KILLED.

Foreseeability of Crushing Injury

26. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS knew that its design of the subject crane created pinch points and crushing hazards for crane mechanics and inspectors when performing maintenance.

27. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS publish for the users of the subject crane a ZPMC QUAYSIDE CONTAINER CRANE CONFIGURATION AND MAINTENANCE MANUAL (2009) (hereafter Manual) which directs the inspection of the trolley towing wire rope and foresees pinch point and crushing hazards during maintenance.

28. The Manual at ¶ 4.4.6.2 on page 150 foresees pinch points:

4.4.6.2 Inspection of trolley towing wire rope

The crane must be in Maintenance Mode for this task. When a person stands on the trolley, he must wear a safety harness and install safety chains near the rope inspection platform. If hands must be on a rope for inspection, they must always be away from a pinch point. An additional person must act as a spotter between the operator and the mechanic(s) inspecting the rope.

29. The Manual at ¶ 2.2.1 5) foresees crushing hazards:

2. 2. 1 Safety rules of operation

5) . . .

When a person stands on the trolley during maintenance, he must wear a safety harness and install safety chains near the rope inspection platform. When the trolley requires moving during the maintenance or inspection, even at a very slow speed, the person on the trolley must stay within designated platforms/hand-railing and pay special attention to any potential crushing hazard

(emphasis added).

30. The pinch points and crushing hazards are part of the structure of the subject crane consisting of stationary sheave blocks as shown in the photograph on page 8 of this Complaint with an

1 arrow pointing to a stationary sheave block.

2 31. The “rope inspection platform” identified in the Manual in ¶ 4.4.6.2 on page 150 places
3 the worker in the proximity of a pinch point and crushing hazard.

4 32. It was reasonably foreseeable to DEFENDANT SHANGHAI INDUSTRIES and/or its
5 PREDECESSORS that the maintenance and inspection of the trolley cable created significant risk of
6 crushing and pinch point hazards.
7

8 **Defendant Shifts its Responsibility for Safety to the User**

9 33. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS shifted the
10 responsibility to protect crane workers from its crane’s design which exposed these workers to crushing
11 and pinch point hazards to a spotter who would alert the crane operator to stop the trolley movement
12 before the worker was crushed. See paragraph 28 above and the Manual: “An additional person must act
13 as a spotter between the operator and the mechanic(s) inspecting the rope [cable].” (Bracketed material
14 added).
15

16 34. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS relied upon the
17 Manual’s instructions to protect mechanics inspecting the trolley cable from pinching and crushing
18 hazards.
19

20 **Machine Design Standards**

21 35. ISO 12100-1:2003 [SAFETY OF MACHINERY—BASIC CONCEPTS, GENERAL
22 PRINCIPLES FOR DESIGN—PART 1: BASIC TERMINOLOGY, METHODOLOGY (hereafter **2003**
23 **ISO PART 1**)] and ISO 12100-2:2003 [SAFETY OF MACHINERY—BASIC CONCEPTS,
24 GENERAL PRINCIPLES FOR DESIGN—PART 2: TECHNICAL PRINCIPLES (hereafter **2003 ISO**
25 **PART 2**)] are international machine design standards.
26

27 36. 2003 ISO PART 1 was in effect at the time of manufacture of the subject crane.
28

1 37. 2003 ISO PART 2 was in effect at the time of manufacture of the subject crane.

2 38. The “primary purpose of 2003 ISO [2003 ISO PART 1 and 2003 ISO PART 2] is to
3 provide designers with an overall framework and guidance to enable them to produce machines that are
4 safe for their intended use.” PART 1, page v and PART 2, page v.

5 39. “Hazards to be taken into account when designing machinery” (2003 ISO PART 1, ¶ 4)
6 include mechanical hazards which “can result in ...crushing” (*Id* at ¶ 4.2.1).

7 40. “Any space within and/or around machinery in which a person can be exposed to a
8 hazard” is a danger zone. 2003 ISO PART 1, ¶ 3.10.

9 41. “Inherently safe design measures are the first and most important step in the risk
10 reduction process because protective measures inherent to the characteristics of the machine are likely to
11 remain effective, whereas ...information for use may not be followed.” 2003 ISO PART 2, ¶ 4.1.

12 42. 2003 ISO PART 1 states that “[a]ll protective measures intended to reach this objective,”
13 elimination of hazards, “shall be applied according to the following sequence, referred to as the ‘3-step
14 method’” 2003 ISO PART 1, ¶ 5.4.

15 43. The first step of the 3-step method is “[r]isk reduction by inherently safe design
16 measures.” 2003 ISO PART 1. Figure 2, page 11.

17 44. An “inherently safe design measure” “either eliminates hazards or reduces the risks
18 associated with hazards by changing the design or operating characteristics of the machine” 2003
19 ISO PART 1, ¶ 3.19.

20 45. “Adequate risk reduction can be considered achieved” in part if the “hazards [have] been
21 eliminated or risks from hazards been reduced to the lowest practical level.” 2003 ISO PART 1, ¶ 5.5
22 (bracketed material added).

23 46. Maintenance points should be located outside of danger zones. 2003 ISO PART 2, ¶ 4.15
24
25
26
27
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1 47. Maintenance “platforms ... [should] not give access to danger zones of machinery.” 2003
2 ISO PART 2, ¶ 45.5.6 (bracketed material added).

3 48. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS violated the
4 machine design principles in identified in paragraphs 38 to 47, inclusive.

5 49. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS failed to adhere
6 to safe design principles because they did not design out the reasonably foreseeable hazard of crushing
7 injuries from the sheave block when maintenance was performed on the trolley rope inspection platform.

8 50. DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS improperly
9 designed and located the rope inspection platform in a danger zone.

10
11
12 **National Safety Council**

13 51. The National Safety Council, PRODUCT SAFETY MANAGEMENT GUIDELINES, 2nd
14 Edition (1997) (hereafter 1997 NSC GUIDELINES) articulates a product safety engineering philosophy
15 consistent with the “3-step method” (2003 ISO PART 1, ¶ 5.4. and figure 2).

16 52. The 1997 NSC GUIDELINES provide: “The first concept is the safety engineering
17 hierarchy of priorities:

- 18
- 19 1) Eliminate hazards.
 - 20 2) When hazards cannot be eliminated, provide feasible safeguards
21 against them.
 - 22 3) Provide warnings and personal protective equipment against the
23 remaining hazards.” *Id.* at page 36.

24 53. The 2003 ISO PART 1, figure 2, page 11, and the 3-step method, provides in pertinent
25 part:

26 “Step 1

27 Risk reduction by inherently safe design measures
28

1 Clause 4 of ISO 12100-2

2 Step 2

3 Risk reduction by safeguarding implementation of complementary
4 protective measures

5 Clause 5 of ISO 12100-2

6 Step 3

7 Risk reduction by information for use

8 Clause 6 of ISO 12100-2”

9
10 54. The underlying reason for designing out machine hazards is the “assump[tion] that when
11 present on machinery, a hazard will sooner or later lead to harm if no protective measure is (are) taken.”
12 2003 ISO PART 1, ¶5.1.1.

13
14 55. The DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS design of
15 the subject crane violated the 1997 NSC GUIDELINES.

16 56. The DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS design of
17 the subject crane violated 2003 ISO PART 1.

18 57. The DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS design of
19 the subject crane violated 2003 ISO PART 2.

20 58. The DEFENDANT SHANGHAI INDUSTRIES and/or its PREDECESSORS design of
21 the subject crane violated other applicable standards, guidelines, customs, or practices.

22 59. The standards for machine design in the United States are equal to or better than the
23 international standards promulgated by the International Organization for Standardization (ISO) at the
24 time of the manufacture of the subject crane.

25 60. The state of the art for machine manufacture in the United States is equal to or better than
26 that of the People’s Republic of China at the time of the design and manufacture of the subject crane.

1 61. It was feasible to design and manufacture the subject crane without the crushing injury
2 hazard from the fixed sheave block when performing cable maintenance.

3 62. The subject crane was defectively designed in that it failed to provide reasonably safe
4 access to areas of the crane where work and maintenance were performed.

5 63. It was feasible to design and manufacture the subject crane with inspection sensors,
6 automatic inspection systems, electromagnetic wire rope inspection systems, or such other devices to
7 detect cable fray and integrity permitting the cable inspector to stand clear of the crushing hazard from
8 the fixed sheave block when performing cable maintenance.

9 64. An example of such a device is United States Patent 4,427,940 issued January 24, 1984,
10 described as “[e]lectromagnetic inspecting apparatus for magnetizable wire rope.”

11 65. The subject crane was not reasonably safe.

12
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14 **FIRST CAUSE OF ACTION:**
15 **STRICT PRODUCT LIABILITY DESIGN**

16 66. Plaintiff MAXINE SURBER realleges and incorporates by reference all foregoing
17 paragraphs.

18 67. Defendant SHANGHAI INDUSTRIES’s subject crane (here after “product”) is a product
19 pursuant to RCW 7.72.010(3).

20 68. Defendant SHANGHAI INDUSTRIES is a product seller of this product pursuant to
21 RCW 7.72.010(1).

22 69. Defendant SHANGHAI INDUSTRIES is a manufacturer of this product pursuant to
23 RCW 7.72.010(2).

24 70. Defendant SHANGHAI INDUSTRIES’s product was not reasonably safe as designed at
25 the time of manufacture violating RCW 7.72.030(1) (a) because the likelihood that this product would
26 cause Jeffrey Surber’s harm or similar harms, and the seriousness of those harms, outweighed the
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1 burden on the defendants to design a subject crane that would have prevented those harms and
2 outweighed any adverse effect that a practical and feasible alternative design would have on the
3 usefulness of this product.

4
5 71. As a direct and proximate cause of Defendant SHANGHAI INDUSTRIES's unsafe
6 product design violating RCW 7.72.030(1), JEFFREY SURBER was crushed and killed.

7
8 **SECOND CAUSE OF ACTION:**
STRICT PRODUCT LIABILITY – CONSUMER EXPECTATIONS

9 72. Plaintiff MAXINE SURBER realleges and incorporates by reference all foregoing
10 paragraphs.

11 73. Defendant SHANGHAI INDUSTRIES's product was not reasonably safe because the
12 product was unsafe to an extent beyond that which would be contemplated by the ordinary consumer
13 under RCW 7.72.030(3).

14
15 74. As a direct and proximate cause of Defendant SHANGHAI INDUSTRIES's unsafe
16 product and violation of RCW 7.72.030(3), JEFFREY SURBER was crushed and killed.

17
18 **THIRD CAUSE OF ACTION:**
NEGLIGENCE – POST MANUFACTURE RECALL AND RETROFIT

19 75. Plaintiff MAXINE SURBER realleges and incorporates by reference all foregoing
20 paragraphs.

21 76. Defendant SHANGHAI INDUSTRIES 's product was not reasonably safe because after
22 its manufacture adequate warnings or instructions to recall the subject crane and to refit it were not
23 provided to the owners and users of this equipment pursuant to RCW 7.72.030(1)(c) because Defendant
24 SHANGHAI INDUSTRIES knew or in the exercise of reasonable prudence should have learned that
25 the product was not reasonably safe unless retrofitted with inspection sensors, automatic inspection
26 systems, or such other devices to detect cable fray and integrity to permit the cable inspector to stand
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1 clear of the crushing hazard from the fixed sheave block when performing cable maintenance

2 77. As a direct and proximate cause of this violation and violation of RCW 7.72.030(1) (c),
3 JEFFREY SURBER was crushed and killed.
4

5 **FOURTH CAUSE OF ACTION:**
6 **STRICT PRODUCT LIABILITY – CONSTRUCTION**

7 78. Plaintiff MAXINE SURBER realleges and incorporates by reference all foregoing
8 paragraphs.

9 79. In the alternative, Defendant SHANGHAI INDUSTRIES's product was not reasonably
10 safe in construction when the product left the control of Defendant SHANGHAI INDUSTRIES because
11 the product deviated in some material way from the design specifications, performance standards of
12 Defendant SHANGHAI INDUSTRIES, or deviated in some material way from otherwise identical units
13 of the same product line pursuant to RCW 7.72.030(2) (a).
14

15 80. As a direct and proximate cause of Defendant SHANGHAI INDUSTRIES's not
16 reasonably safe product construction in violation of RCW 7.72.030(2) (a), JEFFREY SURBER was
17 crushed and killed.
18

19 **DAMAGES**

20 81. Plaintiff MAXINE SURBER realleges and incorporates by reference all foregoing
21 paragraphs.

22 82. As a direct and proximate result of the violations of RCW 7.72.030(1)(a), RCW
23 7.72.030(3), RCW 7.72.030(1)(c), and RCW 7.72.030(2)(a), and such other violations of the
24 Washington Product Liability Act 7.72, *et seq.*, JEFFREY SURBER suffered economic and
25 noneconomic damages including but not limited to: healthcare and funeral expenses reasonably and
26 necessarily incurred; the net accumulations lost to his estate; the pain, suffering, anxiety, emotional
27 distress, humiliation, and fear experienced by him prior to his death; and, all other losses as allowed by
28

1 law.

2 83. As a direct and proximate result of the violations of RCW 7.72.030(1)(a), RCW
3 7.72.030(3), RCW 7.72.030(1)(c), and RCW 7.72.030(2)(a), and such other violations of the
4 Washington Product Liability Act 7.72, *et seq.*, PLAINTIFF MAXINE SURBER as the statutory
5 beneficiary of the Estate, suffered economic and noneconomic damages, including but not limited to: the
6 money, goods, and services she would have received from JEFFREY SURBER up to the present time
7 had he lived; the money goods, and services JEFFREY SURBER would have contributed to her in the
8 future had he lived; loss of marital consortium; destruction of the spousal relationship; and, all other
9 losses as allowed by law.
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11

12 **JURY DEMAND**

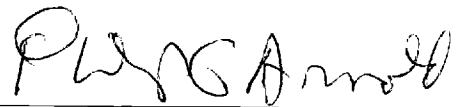
13 84. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a jury
14 trial.

15 **REQUEST AND RELIEF**

16 85. Plaintiff MAXINE SURBER requests relief and judgment against Defendant
17 SHANGHAI INDUSTRIES for:

- 18 a. General and special damages in the amount of \$10,000,000 or such other amount
19 to be proven at trial;
- 20 b. Attorney's fees and costs and disbursements;
- 21 c. Pre-judgment interest on liquidated damages; and
- 22 d. Any further relief the Court rules just and equitable.

23 DATED this 3 day of April 2014.

24
25
26 By 
27 Philip G. Arnold, WSBA No. 2675
28 Jeffery M. Campiche, WSBA No. 7592

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lharris@campichearnold.com

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 MAXINE SURBER, PERSONAL REPRESENTATIVE OF THE ESTATE OF JEFFREY ALLAN SURBER

DEFENDANTS
 SHANGHAI ZHENHUA HEAVY INDUSTRIES CO., LTD., a/k/a ZPMC, a Peoples Republic of China corporation,

(b) County of Residence of First Listed Plaintiff Pierce
 (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
 CAMPICHE ARNOLD PLLC
 2025 First Avenue, Ste. 830, Seattle, WA 98121
 206-281-9000

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input checked="" type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input checked="" type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 USC § 1391 (2)

Brief description of cause:
 Wrongful Death Products Liability

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 04/03/2014 SIGNATURE OF ATTORNEY OF RECORD: *P. W. Arnold*

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

MAXINE SURBER, PERSONAL
REPRESENTATIVE OF THE ESTATE OF
JEFFREY ALLAN SURBER,

Plaintiff,

v.

SHANGHAI ZHENHUA HEAVY
INDUSTRIES CO., LTD., a/k/a ZPMC, a
Peoples Republic of China corporation,

Defendant.

No.

PRAECIPE RE: SUMMONSES

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Attached hereto is kt. 1) are two summonses:

A Summons to SHANGHAI ZHENHUA HEAVY INDUSTRIES CO., LTD., a/k/a
ZPMC, a Peoples Republic of China corporation (in English); in order for the
Translator to translate into Chinese language for service of process on a foreign

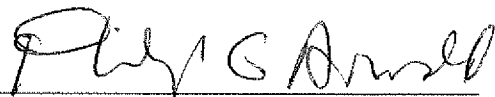
PRAECIPE RE: SUMMONS

CAMPICHE ARNOLD PLLC
2025 First Ave Suite 830
TEL: (206) 281-9000
FAX: (206) 281-9111

1 Peoples Republic of China corporation pursuant to the requirements of the Hague
2 Convention Article 5.

3 **WILL YOU PLEASE** sign and issue the English summons.
4

5 DATED this 3 day of April 2014.

6
7 By 

8 Philip G. Arnold, WSBA No. 2675
9 Jeffery M. Campiche, WSBA No. 7592
10 Peter G. Wogsland, WSBA No. 38431
11 CAMPICHE ARNOLD PLLC
12 Attorneys for Plaintiff MAXINE SURBER
13 Market Place Tower
14 2025 First Ave, Suite 830
15 Seattle, WA 98121
16 Tele: 206.281.9000 Facsimile: 206.281.9111
17 Email addresses:
18 jcampiche@campichearnld.com
19 parnold@campichearnold.com
20 pwogsland@campichearnold.com
21 lharris@campichearnold.com
22
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^^ PRAECIPE RE: SUMMONS

CAMPICHE ARNOLD PLLC
2025 First Ave Suite 830
TEL: (206) 281-9000
FAX: (206) 281-9111

PROOF OF SERVICE

This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1)

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____.

I personally served the summons and complaint on the individual at *(place)*

_____ on *(date)* _____; or

I left the summons and complaint at the individual's residence or usual place of abode with *(name)*

_____, a person of suitable age and discretion who resides there,

on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons and complaint on *(name of individual)* _____

who is designated by law to accept service of process on behalf of *(name of organization)*

_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.