

the trial court entered an order denying Plaintiffs punitive damages against the estate of a deceased tortfeasor. (S.R.

347 - 349)

#### LEGAL ISSUES PRESENTED

I. Did the claim of the Plaintiffs for punitive damages against Bert Van Dyke and Van Dyke Supply Company die when Bert Van Dyke died?

**TRIAL COURT:** The trial court held that this claim for punitive damages died with the tortfeasor.

#### STATEMENT OF THE CASE and STATEMENT OF THE FACTS

"What those ladies don't know won't hurt them." This is the response made by Bert Van Dyke, the founder and owner of Van Dyke Supply Company, when one of his supervisors at the plant in Woonsocket complained to him in 1987 about the exposure of the ladies in the "eye room" to lead and cadmium poisoning. (Aff. of Rieger, S.R. 159 - 160; Rieger testimony HT August 6, 2001) Another employee at the Woonsocket plant, Robert Kokesh also heard Van Dyke make a similar comment to his son-in-law, Bill Kilcoin, and his plant manager, Roger Jorgensen. (Aff. of Kokesh, S.R. 108 - 110, S.R. 191 - 192)

What Bert Van Dyke was referring to were the approximately 30 women who had been hired to paint the hundreds of thousands of taxidermy eyes produced at the Van