UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

THERESA RODRIGUE	CIVIL ACTION
VERSUS	NO. 18-4207
ANCO INSULATIONS, INC., ET AL.	SECTION "R" (3)

ORDER AND REASONS

Before the Court is (1) a joint motion for summary judgment filed by defendants John Crane Inc.; Anco Insulatations, Inc.; Zurich American Insurance Company; Warren Pumps, LLC; The McCarty Corporation; Atwood and Morrill; Viking Pump, Inc.; GREFCO, Inc.; FMC Corporation; Crosby Valve LLC; Ingersoll-Rand Company; Goulds Pumps LLC; General Electric Company; Foster Wheeler, LLC; CBS Corporation; International Paper Company; Owens-Illinois, Inc.; CertainTeed Corporation; Crane Co.; and Amchem Products, Inc. (collectively "the Joint Defendants");[1] and (2) a motion for summary judgment filed by defendant Burmaster Land & Development Company, LLC.[2]

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1 R. Doc. 115.
2 R. Doc. 167.

I. BACKGROUND

This case arises from Theresa Rodrigue's alleged exposure to asbestos.[3] Plaintiffs contend that Rodrigue's brother worked for Avondale Shipyards as a rigger.[4] According to plaintiffs, Rodrigue's brother's position exposed him to a "tremendous amount of asbestos and asbestos-containing products."[5] Those products allegedly caused asbestos dust to become attached to Rodrigue's brother's clothes.[6] Plaintiffs argue that Rodrigue was exposed to asbestos dust when she washed her brother's clothes each evening.[7] Rodrigue was diagnosed with malignant mesothelioma on August 24, 2017.[8]

On December 13, 2017, Rodrigue filed this action in state court against 32 different defendants.[9] Rodrigue alleges that each defendant manufactured, designed, packaged, furnished, stored, handled, transported, installed, distributed, sold, or otherwise supplied asbestos-containing products that contributed to her asbestos exposure and mesothelioma diagnosis.[10] Rodrigue accordingly asserted state law products liability claims

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3 *See* R. Doc. 1-2 at 5 ¶ 3.
4 R. Doc. 156 at 2.
5 *Id*. at 4-5.
6 *Id*. at 5.
7 *Id*.
8 *See* R. Doc. 156-1.
9 R. Doc. 1-2.
10 *Id*.

against the defendants.[11] Defendant Huntington Ingalls filed a crossclaim against all other defendants. Plaintiffs have since voluntarily dismissed Huntington Ingalls from this case.[12]

Rodrigue died on October 18, 2018.[13] Her surviving children, Marty Lamar, Fina Reiss, Paris Gautreaux, and Cinna J. Gautreaux, were substituted in as plaintiffs in this action.[14]

On December 7, 2018, the Joint Defendants moved for summary judgment on plaintiffs' claims and Huntington Ingalls' crossclaim.[15] The Joint Defendants contend that plaintiffs cannot establish that any of Rodrigue's family members ever worked around products they sold that contained asbestos, and that plaintiffs thus cannot establish at trial that their products caused Rodrigue's illness.[16] On February 5, 2019, plaintiffs responded to the Joint Defendants' motion.[17] Plaintiffs opposed summary judgment for only three of the Joint Defendants: General Electric Company;

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11 *Id.* at 5-16.
12 R. Doc. 137.
13 R. Doc. 127.
14 R. Doc. 129.
15 R. Doc. 115. On December 10, 2019, defendant International Paper Company, which is a party to the Joint Defendants' motion, also filed a separate motion for summary judgment. R. Doc. 117.
16 R. Doc. 115-1 at 2.
17 R. Doc. 156.

Foster Wheeler, LLC; and CBS Corporation.[18] But on April 11, 2019, plaintiffs, General Electric Company, Foster Wheeler, LLC, and CBS Corporation filed into the record a joint notice of a settlement agreement.[19] In addition, since the Joint Defendants filed their motion for summary judgment, plaintiffs have either moved to dismiss or settled with the following defendants which were party to the Joint Defendants' motion: FMC Corporation,[20] Ingersoll-Rand Company,[21] McCarty Corporation,[22] Owens-Illinois, Inc.,[23] International Paper Company,[24] and Amchem Products, Inc.[25] To summarize, the following eleven parties to the Joint Defendants' motion for summary judgment remain in this action: John Crane Inc.; Anco Insulatations, Inc.; Zurich American Insurance Company; Warren Pumps, LLC; Atwood and Morrill; Viking Pump, Inc.; GREFCO, Inc.; Crosby Valve LLC; Goulds Pumps LLC; CertainTeed Corporation; and Crane Co. Plaintiffs do not oppose summary judgment for any of these parties.

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18 *Id.*
19 R. Doc. 218.
20 R. Doc. 134; R. Doc. 141.
21 R. Doc. 136; R. Doc. 142.
22 R. Doc. 160.
23 R. Doc. 161.
24 *Id.*
25 R. Doc. 162.

On February 13, 2019, after the parties had fully briefed the Joint Defendants' motion for summary judgment, defendant Burmaster Land & Development Company, LLC filed a separate motion for summary judgment.[26] Burmaster is not party to the motion filed by the Joint Defendants. Plaintiffs have not filed an opposition to Burmaster's motion.

II. DISCUSSION

Neither plaintiffs nor Huntington Ingalls opposes summary judgment for any of the movants who remain in this action. Each movant who remains has pointed out that the evidence in the record is insufficient with respect to an essential element of plaintiffs' or Huntington Ingalls' claims. Because neither plaintiffs nor Huntington Ingalls have submitted evidence showing that a genuine factual dispute exists, summary judgment for the remaining Joint Defendants and Burmaster is proper. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 324-25 (1986).

III. CONCLUSION

For the foregoing reasons, the Joint Defendants' motion for summary judgment on Huntington Ingalls' crossclaim is GRANTED. That crossclaim

[26] R. Doc. 167.

against the Joint Defendants is DISMISSED WITH PREJUDICE. In addition, the following parties to the Joint Defendants' motion are entitled to summary judgment on plaintiffs' claims: John Crane Inc.; Anco Insulatations, Inc.; Zurich American Insurance Company; Warren Pumps, LLC; Atwood and Morrill; Viking Pump, Inc.; GREFCO, Inc.; Crosby Valve LLC; Goulds Pumps LLC; CertainTeed Corporation; and Crane Co. Plaintiffs' claims against these defendants are DISMISSED WITH PREJUDICE. Burmaster's motion for summary judgment is also GRANTED. Plaintiffs' and Huntington Ingalls' claims against Burmaster are DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this _18th_ day of April, 2019.

SARAH S. VANCE
UNITED STATES DISTRICT JUDGE