

[Gay v. A.O. Smith Corp.](#)

United States District Court for the Western District of Pennsylvania

June 17, 2021, Decided; June 25, 2021, Filed

Civil Action No. 2:19-cv-1311

Reporter

2021 U.S. Dist. LEXIS 119014 *

ALLISA D. GAY, Plaintiff; v. A.O. SMITH CORPORATION, et al., Defendants.

Core Terms

asbestos, gaskets, installed, exposure, products, Plant, summary judgment motion, manufactured, piping, power station, proximity, asbestos-containing, regularity, inspections, frequency, exposed, exposed to asbestos, testing

Counsel: [*1] For ALLISA D. GAY, Executrix of the Estate of CARL E. GAY, Plaintiff: Charles J. McLeigh, LEAD ATTORNEY, Goldberg, Persky & White, P.C., Pittsburgh, PA.

For A.O. SMITH CORPORATION, Defendant: Leo Gerard Daly, LEAD ATTORNEY, Post & Schell, P.C., Pittsburgh, PA.

For A.R. WILFLEY & SONS, INC., Defendant: Kimberly A. Martin-O'Bryan, LEAD ATTORNEY, Dehay & Elliston, LLP, Charleston, WV.

For ABB, INC., as successor to Brown Boveri (Individually and as successor-in-interest to ITE IMPERIAL CO f/k/a ITE CIRCUIT BREAKER COMPANY), ALLIED GLOVE CORPORATION, BMI REFRACTORY SERVICES, INC., MCMaster-CARR SUPPLY CO., MCNEIL (OHIO) CORPORATION, POWER PIPING COMPANY, SUNDYNE, LLC, WT/HRC CORPORATION, formerly known as WHITING CORPORATION, Defendants: Concetta A. Silvaggio, Ronald J. Richert, LEAD ATTORNEYS, Willman & Silvaggio, Pittsburgh, PA.

For AECOM ENERGY & CONSTRUCTION, INC., formerly known as URS ENERGY & CONSTRUCTION INC., formerly known as CATALYTIC CONSTRUCTION COMPANY, AIR & LIQUID SYSTEMS CORPORATION, successor-by-merger to Buffalo Pumps, Inc., CERTAINTED CORPORATION, I.U. NORTH AMERICA, INC., as successor by merger to The Garp

Company, formerly known as The Gage Company, formerly known as [*2] Pittsburgh Gage and Supply Company, MILWAUKEE VALVE COMPANY, SAINT-GOBAIN ABRASIVES, INC., formerly known as NORTON COMPANY, VIKING PUMP, INC., Defendants: Jennifer E. Watson, LEAD ATTORNEY, Wilbraham Lawler & Buba, Pittsburgh, PA.

For AIRTEK, INC., LOCKHEED MARTIN CORPORATION, Defendants: Richard C. Polley, Dickie, McCamey & Chilcote, P.C, Pittsburgh, PA.

For AJAX MAGNETHERMIC CORPORATION, Defendant: William J. Witte, LEAD ATTORNEY, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For AMERON INTERNATIONAL CORPORATION, WHEELING RUBBER PRODUCTS, INC., Defendants: Edward A. Smallwood, LEAD ATTORNEY, Post & Schell, P.C., Pittsburgh, PA.

For ARMSTRONG INTERNATIONAL, INC., NORTH AMERICAN MANUFACTURING CO., Defendants: Richard C. Polley, LEAD ATTORNEY, Dickie, McCamey & Chilcote, P.C, Pittsburgh, PA; Shannan Noe Cerrone, LEAD ATTORNEY, Pittsburgh, PA.

For ARMSTRONG PUMPS, INC., Defendant: Adam J. Warhola, LEAD ATTORNEY, Dickie, McCamey & Chilcote, Pittsburgh, PA.

For ATWOOD & MORRILL CO., INC., doing business as WEIR VALVES AND CONTROLS USA INC, Defendant: Daniel E. Krauth, LEAD ATTORNEY, Samantha Quinn, Zimmer Kunz, Pittsburgh, PA.

For AURORA PUMP, BLUE M CORPORATION, LINDBERG, Defendants: [*3] James P. Hadden, LEAD ATTORNEY, Maron Mavel Bfradley & Anderson, P.A., Philadelphia, PA; Joseph R. Schaper, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For BAKER HUGHES, a GE Company, LLC, Defendant: Philip P. Keating, LEAD ATTORNEY, Steptoe & Johnson PLLC, Canonsburg, PA.

For BEAZER EAST, INC, in its own right and as successor to Koppers Co., Inc., and other related companies, including Thiem Corporation, Beazer USA, Inc., and Beazer, PLC, Defendant: Mark A. Fiorilli, Robert R. Leight, LEAD ATTORNEYS, Spilman Thomas & Battle, PLLC, Pittsburgh, PA.

For BECHTEL CORPORATION, Defendant: Alison R. Viola, LEAD ATTORNEY, Eckert Seamans Cherin & Mellott LLC, Pittsburgh, PA; Daniel J. Sinclair, Dennis R. McEwen, LEAD ATTORNEYS, Eckert, Seamans, Cherin & Mellott, Pittsburgh, PA.

For BORGWARNER MORSE TEC LLC, Defendant: Hunter A. McGeary, Jr., LEAD ATTORNEY, McGeary Law Offices, Pittsburgh, PA.

For BRAND INSULATIONS, INC., RUST ENGINEERING & CONSTRUCTION, INC., formerly known as THE RUST ENGINEERING COMPANY, WHEELABRATOR AIR POLLUTION CONTROL, INC., WTI RUST HOLDINGS, INC., Defendants: Michael Magee, LEAD ATTORNEY, Pietragallo, Bosick & Gordon, Pittsburgh, PA.

For BW/IP, [*4] INC., NORTEK GLOBAL HVAC, LLC, as successor by merger to Reznor, LLC (incorrectly named herein; correct naming as follows: Nortek Global HVAC, LLC), Defendants: John A. Turlik, LEAD ATTORNEY, Segal McCambridge Singer & Mahoney, Philadelphia, PA.

For CAMERON INTERNATIONAL CORPORATION, formerly known as COOPER CAMERON CORPORATION, Defendant: Nicholas J. Koch, LEAD ATTORNEY, Frost Brown Todd, Union Trust Building, Pittsburgh, PA.

For CARRIER CORPORATION, FLOWSERVE CORPORATION, formerly known as DURAMETALLIC CORPORATION, FLOWSERVE CORPORATION, formerly known as DURIRON COMPANY, INC., GARDNER DENVER, INC., JOY GLOBAL UNDERGROUND MINING, LLC, formerly known as JOY TECHNOLOGIES, INC., ZURN INDUSTRIES, also known as ERIE CITY IRON WORKS, Defendants: Edward A. Miller, LEAD ATTORNEY, Steptoe & Johnson PLLC, Canonsburg, PA; Melissa Devich Cochran, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For CARVER PUMP COMPANY, Defendant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; James Murray Leety, LEAD ATTORNEY, Lewis Brisbois Bisgaard & Smith, Pittsburgh, PA; Katherine A.

Lowery, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, [*5] Gulf Tower Building, Pittsburgh, PA.

For CASHCO INC., Defendant: Danielle M. Vugrinovich, LEAD ATTORNEY, Erin Margolin, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For CBS CORPORATION, f/k/a Viacom, Inc., as Successor by Merger to CBS Corp., a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation, Defendant: Eric L. Horne, LEAD ATTORNEY, Daniel J. Sinclair, Eckert, Seamans, Cherin & Mellott, Pittsburgh, PA.

For CEMLINE CORPORATION, Defendant: Jason M. English, LEAD ATTORNEY, Margolis Edelstein, The Oliver Building, Pittsburgh, PA; Kyle T. McGee, Richard E. Bliss, LEAD ATTORNEYS, Margolis Edelstein, Pittsburgh, PA; Margolis Edelstein, LEAD ATTORNEY, Pittsburgh, PA.

For CHICAGO BRIDGE & IRON COMPANY, Defendant: Bryan S. Neft, LEAD ATTORNEY, Spilman Thomas & Battle PLLC, Pittsburgh, PA.

For CHICAGO PNEUMATIC TOOL COMPANY, LLC, MORGAN ENGINEERING SYSTEMS, INC., Defendants: Joni M. Mangino, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA; Ryan Anthony Zeli, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA.

For CLARK EQUIPMENT COMPANY, Defendant: Danielle M. Vugrinovich, Erin Margolin, LEAD ATTORNEYS, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For CLARK RELIANCE [*6] CORPORATION, and its division Jerguson Gage and Valve, ELECTROLUX HOME PRODUCTS INC., formerly known as WCI OUTDOOR PRODUCTS, INC., SPIRAX SARCO, INC., Defendants: Max T. Busatto, Vincent Scaglione, Jr., LEAD ATTORNEYS, Dickie, McCamey & Chilcote, Pittsburgh, PA.

For CLEAVER-BROOKS, formerly known as AQUA-CHEM, CLYDE UNION, INC., d/b/a Clyde Union Pumps, individually and as successor-by-merger to Union Pump Company, MUELLER STEAM SPECIALTY, OCEAN VIEW CAPITAL, formerly known as TRIANGLE PWC, INC., Defendants: Leo Gerard Daly, Vincent P. Lamperski, LEAD ATTORNEYS, Post & Schell, P.C., Pittsburgh, PA.

For COLUMBUS MCKINNON CORP., successor-by-merger to Lift Tech International, Inc., and its Shaw-Box Hoist Division, Defendant: Kevin M. Ward, LEAD

ATTORNEY, Swartz Campbell LLC, Pittsburgh, PA.

For CRANE COMPANY, INC., Defendant: Sarah M. Czynski, LEAD ATTORNEY, K&L Gates, K&L Gates Center, Pittsburgh, PA; Stephen R. Mlinac, LEAD ATTORNEY, Swartz Campbell, LLC, Koppers Building, Pittsburgh, PA.

For DONALD MCKAY SMITH, INC., Defendant: Christopher T. Yoskosky, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA; Gregory C Scheuring, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA.

For DRAVO CORPORATION, [*7] Defendant: Hilary C. Bonenberger, LEAD ATTORNEY, Swartz Campbell, Pittsburgh, PA; John W. Bruni, LEAD ATTORNEY, Litchfield Cavo, Pittsburgh, PA; Michael J. Sechler, LEAD ATTORNEY, Litchfield Cavo LLP, Pittsburgh, PA.

For DUQUESNE LIGHT COMPANY, Defendant: Cathy R. Gordon, LEAD ATTORNEY, Post & Schell, PC, Pittsburgh, PA.

For EATON CORPORATION, as successor-in-interest to Cutler Hammer, Inc., n/k/a Eaton Electrical Inc., Defendant: Erin Margolin, Patrick Reilly, LEAD ATTORNEYS, Danielle M. Vugrinovich, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For ECODYNE HEAT EXCHANGERS, INC., (incorrectly named as "Ecodyne Corp."), MANCHESTER TANK, Division of McWane, Inc., Defendants: Erin Margolin, Patrick Reilly, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For EICHLEAY CORPORATION, Defendant: Daniel E. Krauth, Samantha Quinn, LEAD ATTORNEYS, Zimmer Kunz, Pittsburgh, PA; Mallory P. Gold, LEAD ATTORNEY, Evashavik, DiLucente & Tetlow, LLC, Pittsburgh, PA.

For ELECTRIC BOAT CORPORATION, SIEMENS INDUSTRY, INC., in its own right, and as successor-in-interest to I-T-E Circuit Breaker Company, WATTS REGULATOR CO., Defendants: James B. Insko, LEAD ATTORNEY, Gordon Rees Scully [*8] Mansukhani, LLP, Pittsburgh, PA.

For EVOQUA WATER TECHNOLOGIES, LLC, in its own right and as successor-in-interest to Wallace & Tiernan, Defendant: Adam J. Warhola, Dickie, McCamey & Chilcote, Pittsburgh, PA.

For EXELON CORPORATION, RCH NEW CO., II LLC, f/k/a Robertson Ceco Corporation, an alleged successor to H.H. Robertson Company, Defendants: Jennifer E. Watson, Wilbraham Lawler & Buba, Pittsburgh, PA.

For FIRSTENERGY CORPORATION, Defendant: Lindsey E. Sacher, LEAD ATTORNEY, PRO HAC VICE, Calfee, Halter & Griswold LLP.

For FLOWSERVE US, INC., f/k/a Flowserve FSD Corp., successor to Valtek International, Defendant: John A. Turlik, LEAD ATTORNEY, Segal McCambridge Singer & Mahoney, Philadelphia, PA; Zachary Smith, LEAD ATTORNEY, Goldfein & Joseph, P.C., Philadelphia, PA; Christine M. Crimarki, Goldfein & Joseph PC.

For FLOWSERVE US, INC., solely as successor to Nordstrom Audco Inc., Edward Valves inc., Nordstrom Valves, Inc., and Rockwell Manufacturing Company, Defendant: Deborah A. Beck, Goldfein & Joseph, P.C., Philadelphia, PA; Christine M. Crimarki, Goldfein & Joseph PC.

For FLSMIDTH DORR-OLIVER, INC., as successor-in-interest to Keller/Dorr-Oliver Boiler Company, Defendant: Joseph [*9] R. Schaper, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For FLSMIDTH, INC., formerly known as FULLER COMPANY, MW CUSTOM PAPERS, LLC, also known as MEAD, WARREN PUMPS, LLC, Defendants: Danielle M. Vugrinovich, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA; Ryan M. Krescanko, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For FLUOR CORPORATION, FLUOR ENTERPRISES, INC., FLUOR CONSTRUCTORS INTERNATIONAL, also known as FLUOR CORPORATION, Defendants: Joseph R. Petrina, LEAD ATTORNEY, Zimmer Kunz PLLC, Pittsburgh, PA.

For FOSECO, INC., Defendant: Terry A. Schrock, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Pittsburgh, PA.

For FOSTER WHEELER, LLC, GREENE TWEED & COMPANY, INC., Defendants: Dennis F. Wolford, LEAD ATTORNEY, Reed, Tosh, Wolford & Douglass, Beaver, PA; Kathryn L. Johnston, LEAD ATTORNEY, Reed, Luce, Tosh, Wolford & Douglass, Beaver, PA.

For GENERAL ELECTRIC COMPANY, Defendant: Bryan S. Neft, LEAD ATTORNEY, Spilman Thomas & Battle PLLC, Pittsburgh, PA; David Speziali, LEAD ATTORNEY, PRO HAC VICE, Speziali, Greenwald & Hawkins; Erik David Nadolink, LEAD ATTORNEY, PRO HAC VICE, Wheeler [*10] Trigg O'Donnell LLP, Denver, CO; Kate Mercer-Lawson, PRO HAC VICE, Wheeler Trigg O'Donnell, LLP, Denver, CO.

For GOULD ELECTRONICS, INC., formerly known as GD-TEK, INC., THE MARLEY-WYLAIN COMPANY, incorrectly designated as WEIL-McLAIN COMPANY, Defendants: Christopher H. Jones, LEAD ATTORNEY, McElroy, Deutsch, Mulvaney & Carpenter, LLP, Philadelphia, PA.

For GOULDS PUMPS, LLC, Defendant: Aaron Arthur, LEAD ATTORNEY, Morgan, Lewis & Bockius, LLP, Philadelphia, PA.

For GRINNELL, LLC, Defendant: Aaron Arthur, Morgan, Lewis & Bockius, LLP.

For HAJOCA CORPORATION, POWERMASTER PACIFIC PRODUCTS, also known as PACIFIC PARTS, INC., Defendants: Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA; Robert L Hogan, LEAD ATTORNEY, Rawle & Henderson LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For HONEYWELL INTERNATIONAL INC., f/k/a Allied Signal, Inc., as successor-in-interest to the Bendix Corporation, IMO INDUSTRIES, INC, formerly known as IMO DELAVAL, INC., formerly known as DEVALCO CORPORATION INC., formerly known as DELAVAL TURBINE, INC., PARKER-HANIFIN CORPORATION, RILEY POWER, INC., formerly known as RILEY STOKER CORPORATION, formerly known [*11] as BABCOCK BORSIG POWER, INC., formerly known as DB RILEY, INC., Defendants: Eric K. Falk, LEAD ATTORNEY, Davies, McFarland & Carroll, Pittsburgh, PA; Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For HONEYWELL, INC., Defendant: Donald H. Smith, LEAD ATTORNEY, LEWIS, BRISBOIS, BISGAARD & SMITH, LLP, Pittsburgh, PA; Eric W. Santos, Mark T. Caloyer, LEAD ATTORNEYS, Lewis Brisbois, Pittsburgh, PA; Trisha R. Hudkins, LEAD ATTORNEY, Lewis Brisbois Bisgaard and Smith LLP, Pittsburgh, PA.

For HOWDEN NORTH AMERICA, INC., formerly known as HOWDEN BUFFALO, INC, Defendant: Anne M. McFadden, LEAD ATTORNEY, Riley Hewitt Witte & Romano, PC, Pittsburgh, PA; Sandra L. Alven, LEAD ATTORNEY, Alba E Arriaga, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For HUNTER SALES CORPORATION, Defendant: Edward A. Smallwood, Kelly L Smith, LEAD ATTORNEYS, Post & Schell, P.C., Pittsburgh, PA; Steven D. Evans, LEAD ATTORNEY, Post & Schell, PC, Pittsburgh, PA.

For INDUSTRIAL HOLDINGS CORPORATION, formerly known as CARBORUNDUM CORPORATION, VELAN VALVE CORPORATION, Defendants: Joseph R. Schaper, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, [*12] PA.

For INGERSOLL-RAND CORPORATION, TRANE U.S. INC., f/k/a American Standard Corporation, f/k/a/ American Radiator & Standard Sanitary, in its own right and as successor to Westinghouse Airbrake and/or WABCO, Defendants: Edward A. Smallwood, Kelly L Smith, Leo Gerard Daly, LEAD ATTORNEYSS, Post & Schell, P.C., Pittsburgh, PA; Michael J. Sechler, LEAD ATTORNEY, Litchfield Cavo LLP, Pittsburgh, PA.

For INSUL COMPANY, INC., Defendant: Joni M. Mangino, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA.

For ITT INDUSTRIES, INC., YORK INTERNATIONAL CORPORATION, Defendants: Aaron Arthur, Morgan, Lewis & Bockius, LLP, Philadelphia, PA.

For J-M MANUFACTURING COMPANY, INC., Defendant: Daniel R. Bentz, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, Pittsburgh, PA; John M. Schollaert, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, PC, Pittsburgh, PA; Sarah Boehme, LEAD ATTORNEY, Marks O'Neill O'Brien Doherty & Kelly PC, Pittsburgh, PA.

For JOHN CRANE, INC., Defendant: Edward A. Schenck, LEAD ATTORNEY, Cipriani & Warner, P.C., Pittsburgh, PA.

For JOY GLOBAL SURFACE MINING, INC., formerly known as P&H MINING EQUIPMENT, formerly known as HARNISCHFEGER CORPORATION, AMETEK, INC., Defendants: [*13] David Emil Lamm, Paul K. Vey, LEAD ATTORNEYS, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, Pittsburgh, PA.

For M.S. JACOBS & ASSOCIATES, INC., Defendant: Daniel J. Cuddy, LEAD ATTORNEY, Daniel J Cuddy, Attorney at Law, Pittsburgh, PA; Joni M. Mangino, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA.

For MARMON HOLDINGS, INC., Defendant: Erin Margolin, Patrick Reilly, LEAD ATTORNEYS, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For MCCARLS, INC., Defendant: Daniel R. Bentz, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, Pittsburgh, PA; John M. Schollaert, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, PC, Pittsburgh, PA; Jennifer E. Watson, Wilbraham Lawler & Buba, Pittsburgh, PA.

For MET-PRO TECHNOLOGIES, LLC, incorrectly named as Met-Pro Corporation and its Dean Pump brand d/b/a Met-Pro Global Pump Solutions, TUTHILL CORPORATION, Defendants: Edward J. Chiodo, LEAD ATTORNEY, Rawle & Henderson LLP, Henry W. Oliver Bldg., Pittsburgh, PA; John C. McMeekin, II, LEAD ATTORNEY, Rawle & Henderson LLP, Philadelphia, PA.

For METROPOLITAN LIFE INSURANCE COMPANY, formerly known as METROPOLITAN INSURANCE COMPANY, Defendant: Stewart R. Singer, LEAD ATTORNEY, Salmon, [*14] Ricchezza, Singer & Turchi, Philadelphia, PA; Ronald L. Daugherty, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA.

For MINE SAFETY APPLIANCE COMPANY, Defendant: Gregory C Scheuring, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA; Joseph F. Butcher, LEAD ATTORNEY, Zimmer Kunz P.L.L.C., Pittsburgh, PA.

For MINNOTTE CONTRACTING CORPORATION, Defendant: Christopher T. Yoskosky, LEAD ATTORNEY, Joni M. Mangino, Zimmer Kunz, Pittsburgh, PA; Gregory C Scheuring, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA.

For MOYNO, INC., Counter Defendant, Defendants: Concetta A. Silvaggio, Ronald J. Richert, LEAD ATTORNEYS, Willman & Silvaggio, Pittsburgh, PA; Glenn A. Huetter, Jr., Willman & Silvaggio LLP, Pittsburgh, PA.

For NAGLE PUMPS, INC., Defendant: Adam J. Warhola, LEAD ATTORNEY, Dickie, McCamey & Chilcote, Pittsburgh, PA; Richard C. Polley, LEAD ATTORNEY, Dickie, McCamey & Chilcote, P.C, Pittsburgh, PA.

For OSRAM SYLVANIA INC., in its own right and as successor-in-interest to GTE Products Corporation, The Clark Controller Company and A.O. Smith Corporation, Defendant: Vincent P. Lamperski, LEAD ATTORNEY, Post & Schell, P.C., Pittsburgh, PA.

For READING CRANE AND ENGINEERING COMPANY, [*15] Defendant: Christian W. Wrabley, David F. Ryan, Joni M. Mangino, LEAD ATTORNEYSS, Zimmer Kunz, Pittsburgh, PA.

For RESEARCH-COTTRELL, INC., n/k/a AWT AIR COMPANY, INC., incorrectly identified as Research Cottrell Cooling, Inc., n/k/a AWT Air Company, Inc., Defendant: Joseph L. Orszulak, II, LEAD ATTORNEY, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For REUNION INDUSTRIES, INC., Defendant: Edward A. Smallwood, Joshua M. Brick, LEAD ATTORNEYS, Post & Schell, P.C., Pittsburgh, PA.

For SCHNEIDER ELECTRIC USA, INC., formerly known as SQUARE D COMPANY, Defendant: Jeffrey N Kinsey, LEAD ATTORNEY, Fox Rothschild LLP, Bny Mellon Center, 500 Grant Street, Sui, Pittsburgh, PA; Michael J. Zukowski, LEAD ATTORNEY, Fox Rothschild LLC, Pittsburgh, PA.

For SPX COOLING TECHNOLOGIES, INC., formerly known as MARLEY COOLING TECHNOLOGIES, INC., formerly known as THE MARLEY COOLING TOWER COMPANY, Defendant: Matthew R. Wimer, LEAD ATTORNEY, Wimer Law Offices, Oakmont, PA.

For STERLING FLUID SYSTEMS (USA), LLC, Defendant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; Katherine A. Lowery, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA; Matthew [*16] J. Doz, LEAD ATTORNEY, Swartz Campbell, LLC, Pittsburgh, PA; W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, Philadelphia, PA.

For SULZER PUMPS (US), INC., AHLSTROM PUMPS LLC, SULZER PUMPS SOLUTIONS, INC., Defendants: Jenna Christine Hutchinson, Troutman Pepper Hamilton Sanders LLP, New York, NY.

For SUNBEAM PRODUCTS, INC., as success-in-interest to Sunbeam Corporation, Defendant: Danielle M. Vugrinovich, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA; Michael A. Karaffa, LEAD ATTORNEY, Union Trust Building, Moon Township, PA; Ryan M. Krescanko, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For SURFACE COMBUSTION, INC., Defendant: Patrick R. Malone, LEAD ATTORNEY, LeechTishman Fuscaldo & Lampl, Pittsburgh, PA.

For THE GOODYEAR TIRE & RUBBER COMPANY, Defendant: John C. McMeekin, II, LEAD ATTORNEY, Rawle & Henderson LLP, Philadelphia, PA; Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For THE NASH ENGINEERING COMPANY, Defendant: Edward A. Smallwood, LEAD ATTORNEY, Post & Schell, P.C., Pittsburgh, PA; Steven D. Evans, Post [*17] & Schell, PC, Pittsburgh, PA.

For THE WILLIAM POWELL COMPANY, Defendant:

Edward A. Smallwood, LEAD ATTORNEY, Post & Schell, P.C., Pittsburgh, PA; Steven D. Evans, LEAD ATTORNEY, Post & Schell, PC, Pittsburgh, PA.

For UNION CARBIDE CORPORATION, Defendant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; Eric A. Fischer, Katherine A. Lowery, LEAD ATTORNEYS, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA; James Murray Leety, LEAD ATTORNEY, Lewis Brisbois Bisgaard & Smith, Pittsburgh, PA; Matthew J. Doz, LEAD ATTORNEY, Swartz Campbell, LLC, Pittsburgh, PA; Richard L. Walker, LEAD ATTORNEY, Kelley, Jasons, McGuire & Spinelli, Philadelphia, PA.

For UNION TANK CAR COMPANY, Defendant: Danielle M. Vugrinovich, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For UNITED CONVEYOR CORPORATION, Defendant: Jeanne Welch Sopher, LEAD ATTORNEY, Litchfield Cavo LLP, Pittsburgh, PA.

For UNITED STATES STEEL CORPORATION, Defendant: J. Lawson Johnston, Scott D. Clements, LEAD ATTORNEYS, Dickie, McCamey & Chilcote, P.C., Pittsburgh, PA.

For WASHINGTON GROUP INTERNATIONAL, f/k/a Raytheon Engineers and Constructors, Inc. and all its domestic subsidiaries [*18] including The Badger Company, Inc., n/k/a URS Energy & Construction, Inc., Defendant: Jason M. English, LEAD ATTORNEY, Margolis Edelstein, The Oliver Building, Pittsburgh, PA; Kyle T. McGee, Richard E. Bliss, LEAD ATTORNEYS, Margolis Edelstein, Pittsburgh, PA.

For WATSON MCDANIEL COMPANY, Defendant: Jason M. English, LEAD ATTORNEY, Margolis Edelstein, The Oliver Building, Pittsburgh, PA; Richard E. Bliss, LEAD ATTORNEY, Margolis Edelstein, Pittsburgh, PA.

For YUBA HEAT TRANSFER, LLC, Defendant: Shannan Noe Cerrone, LEAD ATTORNEY, Pittsburgh, PA.

For THE MARLEY-WYLAIN COMPANY, Incorrectly Designated by Plaintiff as Weil-McLain Company, GOULD ELECTRONICS, INC., Incorrectly designated by Plaintiff as Gould Electronics, Inc., f/k/a GD-TEK, Inc., Defendants: Christopher H. Jones, McElroy, Deutsch, Mulvaney & Carpenter, LLP, Philadelphia, PA.

For SIEMENS INDUSTRY INC, Defendant: James B. Insko, Gordon Rees Scully Mansukhani, LLP, Pittsburgh, PA.

For WT/HRC CORPORATION, MCNEIL (OHIO) CORPORATION, MCMaster-CARR SUPPLY CO., BROWN BOVERI, INC., Defendants: Glenn A. Huetter, Jr., Willman & Silvaggio LLP, Pittsburgh, PA.

For ALLIED GLOVE CORPORATION, Defendant: Concetta A. Silvaggio, Willman & Silvaggio, [*19] Pittsburgh, PA; Edward O'Connell, Willman & Silvaggio, LLP, Pittsburgh, PA; Glenn A. Huetter, Jr., Willman & Silvaggio LLP, Pittsburgh, PA; Joseph D. Silvaggio, Willman & Arnold, Pittsburgh, PA.

For FIRSTENERGY CORP., Defendant: Tracy S. Johnson, LEAD ATTORNEY, K. James Sullivan, Calfee, Halter & Griswold LLP, Cleveland, OH.

For SCHNEIDER ELECTRIC USA, INC., Cross Claimant: Michael J. Zukowski, LEAD ATTORNEY, Fox Rothschild LLC, Pittsburgh, PA.

For BECHTEL CORPORATION, Cross Claimant: Alison R. Viola, LEAD ATTORNEY, Eckert Seamans Cherin & Mellott LLC, Pittsburgh, PA; Daniel J. Sinclair, Dennis R. McEwen, LEAD ATTORNEYS, Eckert, Seamans, Cherin & Mellott, Pittsburgh, PA.

For AMERON INTERNATIONAL CORPORATION, REUNION INDUSTRIES, INC., THE NASH ENGINEERING COMPANY, THE WILLIAM POWELL COMPANY, WHEELING RUBBER PRODUCTS, INC., Cross Defendants: Edward A. Smallwood, LEAD ATTORNEY, Post & Schell, P.C., Pittsburgh, PA.

For ARMSTRONG INTERNATIONAL, INC., NORTH AMERICAN MANUFACTURING CO., Cross Defendants: Richard C. Polley, LEAD ATTORNEY, Dickie, McCamey & Chilcote, P.C, Pittsburgh, PA; Shannan Noe Cerrone, LEAD ATTORNEY, Pittsburgh, PA.

For ARMSTRONG PUMPS, INC., Cross Defendant: Adam J. Warhola, [*20] LEAD ATTORNEY, Dickie, McCamey & Chilcote, Pittsburgh, PA.

For ATWOOD & MORRILL CO., INC., Cross Defendant: Daniel E. Krauth, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA.

For AURORA PUMP, BLUE M CORPORATION, LINDBERG, Cross Defendants: James P. Hadden, LEAD ATTORNEY, Maron Mavel Bfradley & Anderson, P.A., Philadelphia, PA; Joseph R. Schaper, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For BAKER HUGHES, a GE Company, LLC, Cross Defendant: Philip P. Keating, LEAD ATTORNEY, Steptoe & Johnson PLLC, Canonsburg, PA.

For BEAZER EAST, INC, in its own right and as successor to Koppers Co., Inc., and other related companies, including Thiem Corporation, Beazer USA, Inc., and Beazer, PLC, Cross Defendant: Mark A. Fiorilli, Robert R. Leight, LEAD ATTORNEYS, Spilman Thomas & Battle, PLLC, Pittsburgh, PA.

For BECHTEL CORPORATION, Cross Defendant: Alison R. Viola, LEAD ATTORNEY, Eckert Seamans Cherin & Mellott LLC, Pittsburgh, PA; Daniel J. Sinclair, Dennis R. McEwen, LEAD ATTORNEYS, Eckert, Seamans, Cherin & Mellott, Pittsburgh, PA.

For BMI REFRACTORY SERVICES, INC., ABB, INC., as successor to Brown Boveri (Individually and as successor-in-interest to ITE IMPERIAL CO f/k/a ITE [*21] CIRCUIT BREAKER COMPANY), ALLIED GLOVE CORPORATION, MCMaster-CARR SUPPLY CO., MCNEIL (OHIO) CORPORATION, MOYNO, INC., POWER PIPING COMPANY, SUNDYNE, LLC, WT/HRC CORPORATION, Cross Defendants: Concetta A. Silvaggio, Ronald J. Richert, LEAD ATTORNEYS, Willman & Silvaggio, Pittsburgh, PA.

For A.O. SMITH CORPORATION, CLEAVER-BROOKS, CLYDE UNION, INC., d/b/a Clyde Union Pumps, individually and as successor-by-merger to Union Pump Company, MUELLER STEAM SPECIALTY, OCEAN VIEW CAPITAL, Cross Defendants: Leo Gerard Daly, LEAD ATTORNEY, Post & Schell, P.C., Pittsburgh, PA.

For AECOM ENERGY & CONSTRUCTION, INC., AIR & LIQUID SYSTEMS CORPORATION, successor-by-merger to Buffalo Pumps, Inc., CERTAINTED CORPORATION, I.U. NORTH AMERICA, INC., as successor by merger to The Garp Company, formerly known as The Gage Company, formerly known as Pittsburgh Gage and Supply Company, MILWAUKEE VALVE COMPANY, SAINT-GOBAIN ABRASIVES, INC., VIKING PUMP, INC., Cross Defendants: Jennifer E. Watson, LEAD ATTORNEY, Wilbraham Lawler & Buba, Pittsburgh, PA.

For AJAX MAGNETHERMIC CORPORATION, Cross Defendant: William J. Witte, LEAD ATTORNEY, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For BORGWARNER MORSE TEC [*22] LLC, Cross Defendant: Hunter A. McGeary, Jr., LEAD ATTORNEY, McGeary Law Offices, Pittsburgh, PA.

For BRAND INSULATIONS, INC., WHEELABRATOR AIR POLLUTION CONTROL, INC., WTI RUST HOLDINGS, INC., RUST ENGINEERING & CONSTRUCTION, INC., Cross Defendants: Michael

Magee, LEAD ATTORNEY, Pietragallo, Bosick & Gordon, Pittsburgh, PA.

For BW/IP, INC., NORTEK GLOBAL HVAC, LLC, as successor by merger to Reznor, LLC (incorrectly named herein; correct naming as follows: Nortek Global HVAC, LLC), Cross Defendants: John A. Turlik, LEAD ATTORNEY, Segal McCambridge Singer & Mahoney, Philadelphia, PA.

For CAMERON INTERNATIONAL CORPORATION, Cross Defendant: Nicholas J. Koch, LEAD ATTORNEY, Frost Brown Todd, Union Trust Building, Pittsburgh, PA.

For CARRIER CORPORATION, FLOWSERVE CORPORATION, GARDNER DENVER, INC., JOY GLOBAL UNDERGROUND MINING, LLC, ZURN INDUSTRIES, Cross Defendants: Edward A. Miller, LEAD ATTORNEY, Steptoe & Johnson PLLC, Canonsburg, PA; Melissa Devich Cochran, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For CARVER PUMP COMPANY, Cross Defendant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; James Murray Leety, LEAD ATTORNEY, Lewis [*23] Brisbois Bisgaard & Smith, Pittsburgh, PA; Katherine A. Lowery, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA.

For CBS CORPORATION, f/k/a Viacom, Inc., as Successor by Merger to CBS Corp., a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation, Cross Defendant: Eric L. Horne, LEAD ATTORNEY, Eckert, Seamans, Cherin & Mellott, Pittsburgh, PA.

For CEMLINE CORPORATION, Cross Defendant: Kyle T. McGee, Richard E. Bliss, LEAD ATTORNEYS, Margolis Edelstein, Pittsburgh, PA; Margolis Edelstein, LEAD ATTORNEY, Pittsburgh, PA.

For CHICAGO BRIDGE & IRON COMPANY, Cross Defendant: Bryan S. Neft, LEAD ATTORNEY, Spilman Thomas & Battle PLLC, Pittsburgh, PA.

For CHICAGO PNEUMATIC TOOL COMPANY, LLC, MORGAN ENGINEERING SYSTEMS, INC., Cross Defendants: Joni M. Mangino, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA; Ryan Anthony Zeli, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA.

For CLARK RELIANCE CORPORATION, and its division Jerguson Gage and Valve, ELECTROLUX HOME PRODUCTS INC., SPIRAX SARCO, INC., Cross Defendants: Max T. Busatto, Vincent Scaglione, Jr., LEAD ATTORNEYS, Dickie, McCamey & Chilcote,

Pittsburgh, PA.

For COLUMBUS MCKINNON [*24] CORP., successor-by-merger to Lift Tech International, Inc., and its Shaw-Box Hoist Division, Cross Defendant: Kevin M. Ward, LEAD ATTORNEY, Swartz Campbell LLC, Pittsburgh, PA.

For DONALD MCKAY SMITH, INC., Cross Defendant: Christopher T. Yoskosky, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA; Gregory C Scheuring, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA.

For DRAVO CORPORATION, Cross Defendant: Hilary C. Bonenberger, LEAD ATTORNEY, Swartz Campbell, Pittsburgh, PA; John W. Bruni, LEAD ATTORNEY, Litchfield Cavo, Pittsburgh, PA.

For DUQUESNE LIGHT COMPANY, Cross Defendant: Cathy R. Gordon, LEAD ATTORNEY, Post & Schell, PC, Pittsburgh, PA.

For EATON CORPORATION, as successor-in-interest to Cutler Hammer, Inc., n/k/a Eaton Electrical Inc., Cross Defendant: Patrick Reilly, LEAD ATTORNEY, Erin Margolin, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For EICHLEAY CORPORATION, Cross Defendant: Daniel E. Krauth, Samantha Quinn, LEAD ATTORNEYS, Zimmer Kunz, Pittsburgh, PA.

For ELECTRIC BOAT CORPORATION, SIEMENS INDUSTRY, INC., in its own right, and as successor-in-interest to I-T-E Circuit Breaker Company, WATTS REGULATOR CO., Cross Defendants: James B. Insko, LEAD ATTORNEY, Gordon [*25] Rees Scully Mansukhani, LLP, Pittsburgh, PA.

For FIRSTENERGY CORPORATION, Cross Defendant: Lindsey E. Sacher, LEAD ATTORNEY, PRO HAC VICE, Calfee, Halter & Griswold LLP.

For FLOWSERVE US, INC., solely as successor to Nordstrom Audco Inc., Edward Valves inc., Nordstrom Valves, Inc., and Rockwell Manufacturing Company, FLOWSERVE US, INC., f/k/a Flowserve FSD Corp., successor to Valtek International, Cross Defendants: John A. Turlik, LEAD ATTORNEY, Segal McCambridge Singer & Mahoney, Philadelphia, PA; Christine M. Crimarki, Goldfein & Joseph PC.

For FLSMIDTH, INC., MW CUSTOM PAPERS, LLC, WARREN PUMPS, LLC, FLSMIDTH, INC., formerly known as FULLER COMPANY, Cross Defendants: Ryan M. Krescanko, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For FLUOR CONSTRUCTORS INTERNATIONAL, FLUOR CORPORATION, FLUOR ENTERPRISES, INC., Cross Defendants: Joseph R. Petrina, LEAD ATTORNEY, Zimmer Kunz PLLC, Pittsburgh, PA.

For FOSECO, INC., Cross Defendant: Terry A. Schrock, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Pittsburgh, PA.

For FOSTER WHEELER, LLC, GREENE TWEED & COMPANY, INC., Cross Defendants: Dennis F. Wolford, LEAD ATTORNEY, Reed, Tosh, [*26] Wolford & Douglass, Beaver, PA; Kathryn L. Johnston, LEAD ATTORNEY, Reed, Luce, Tosh, Wolford & Douglass, Beaver, PA.

For GENERAL ELECTRIC COMPANY, Cross Defendant: Bryan S. Neft, LEAD ATTORNEY, Spilman Thomas & Battle PLLC, Pittsburgh, PA; David Speziali, LEAD ATTORNEY, PRO HAC VICE, Speziali, Greenwald & Hawkins; Kate Mercer-Lawson, PRO HAC VICE, Wheeler Trigg O'Donnell, LLP, Denver, CO.

For GOULD ELECTRONICS, INC., THE MARLEY-WYLAIN COMPANY, incorrectly designated as WEIL-McLAIN COMPANY, THE MARLEY-WYLAIN COMPANY, Cross Defendants: Christopher H. Jones, LEAD ATTORNEY, McElroy, Deutsch, Mulvaney & Carpenter, LLP, Philadelphia, PA.

For GOULDS PUMPS, LLC, GRINNELL, LLC, ITT INDUSTRIES, INC., JOHNSON CONTROLS, INC., YORK INTERNATIONAL CORPORATION, Cross Defendants: Aaron Arthur, Morgan, Lewis & Bockius, LLP, Philadelphia, PA.

For HONEYWELL INTERNATIONAL INC., f/k/a Allied Signal, Inc., as successor-in-interest to the Bendix Corporation, IMO INDUSTRIES, INC, PARKER-HANIFIN CORPORATION, RILEY POWER, INC., Cross Defendants: Eric K. Falk, LEAD ATTORNEY, Davies, McFarland & Carroll, Pittsburgh, PA; Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, [*27] PA.

For HONEYWELL, INC., Cross Defendant: Eric W. Santos, LEAD ATTORNEY, Lewis Brisbois, Pittsburgh, PA; Trisha R. Hudkins, LEAD ATTORNEY, Lewis Brisbois Bisgaard and Smith LLP, Pittsburgh, PA.

For HOWDEN NORTH AMERICA, INC., Cross Defendant: Anne M. McFadden, LEAD ATTORNEY, Riley Hewitt Witte & Romano, PC, Pittsburgh, PA; Sandra L. Alven, LEAD ATTORNEY, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For HUNTER SALES CORPORATION, Cross Defendant: Edward A. Smallwood, Kelly L Smith, LEAD ATTORNEYS, Post & Schell, P.C., Pittsburgh, PA.

For INDUSTRIAL HOLDINGS CORPORATION, VELAN VALVE CORPORATION, Cross Defendants: Joseph R. Schaper, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For INGERSOLL-RAND CORPORATION, TRANE U.S. INC., f/k/a American Standard Corporation, f/k/a/ American Radiator & Standard Sanitary, in its own right and as successor to Westinghouse Airbrake and/or WABCO, Cross Defendants: Edward A. Smallwood, Kelly L Smith, Leo Gerard Daly, LEAD ATTORNEYSS, Post & Schell, P.C., Pittsburgh, PA; Michael J. Sechler, LEAD ATTORNEY, Litchfield Cavo LLP, Pittsburgh, PA.

For INSUL COMPANY, INC., MCJUNKIN REDMAN CORPORATION, Cross Defendants: Joni M. Mangino, [*28] LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA.

For J-M MANUFACTURING COMPANY, INC., MCCARLS, INC., Cross Defendants: Daniel R. Bentz, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, Pittsburgh, PA; John M. Schollaert, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, PC, Pittsburgh, PA.

For JOHN CRANE, INC., Cross Defendant: Edward A. Schenck, LEAD ATTORNEY, Cipriani & Warner, P.C., Pittsburgh, PA.

For JOY GLOBAL SURFACE MINING, INC., Cross Defendant: David Emil Lamm, Paul K. Vey, LEAD ATTORNEYS, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, Pittsburgh, PA.

For M.S. JACOBS & ASSOCIATES, INC., Cross Defendant: Daniel J. Cuddy, LEAD ATTORNEY, Daniel J Cuddy, Attorney at Law, Pittsburgh, PA; Joni M. Mangino, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA.

For MCJUNKIN REDMAN CORPORATION, DONALD MCKAY SMITH, INC., MORGAN ENGINEERING SYSTEMS, INC., Cross Defendants: Joni M. Mangino, Zimmer Kunz, Pittsburgh, PA.

For MET-PRO TECHNOLOGIES, LLC, incorrectly named as Met-Pro Corporation and its Dean Pump brand d/b/a Met-Pro Global Pump Solutions, TUTHILL CORPORATION, Cross Defendants: Edward J. Chiodo, LEAD ATTORNEY, Rawle & Henderson LLP, Henry W. Oliver Bldg., Pittsburgh, PA; John C. [*29] McMeekin, II, LEAD ATTORNEY, Rawle & Henderson LLP,

Philadelphia, PA.

For METROPOLITAN LIFE INSURANCE COMPANY, Cross Defendant: Stewart R. Singer, LEAD ATTORNEY, Salmon, Ricchezza, Singer & Turchi, Philadelphia, PA.

For MINE SAFETY APPLIANCE COMPANY, Cross Defendant: Gregory C Scheuring, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA; Joseph F. Butcher, LEAD ATTORNEY, Zimmer Kunz P.L.L.C., Pittsburgh, PA.

For MINNOTTE CONTRACTING CORPORATION, Cross Defendant: Christopher T. Yoskosky, LEAD ATTORNEY, Joni M. Mangino, Zimmer Kunz, Pittsburgh, PA; Gregory C Scheuring, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA.

For NAGLE PUMPS, INC., Cross Defendant: Adam J. Warhola, LEAD ATTORNEY, Dickie, McCamey & Chilcote, Pittsburgh, PA; Richard C. Polley, LEAD ATTORNEY, Dickie, McCamey & Chilcote, P.C, Pittsburgh, PA.

For POWERMASTER PACIFIC PRODUCTS, Cross Defendant: Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For READING CRANE AND ENGINEERING COMPANY, Cross Defendant: Christian W. Wrabley, David F. Ryan, Joni M. Mangino, LEAD ATTORNEYSS, Zimmer Kunz, Pittsburgh, PA.

For RESEARCH-COTTRELL, INC., n/k/a AWT AIR COMPANY, INC., incorrectly [*30] identified as Research Cottrell Cooling, Inc., n/k/a AWT Air Company, Inc., Cross Defendant: Joseph L. Orszulak, II, LEAD ATTORNEY, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For RUST ENGINEERING & CONSTRUCTION, INC., BRAND INSULATIONS, INC., WHEELABRATOR AIR POLLUTION CONTROL, INC., WTI RUST HOLDINGS, INC., Cross Defendants: David James Singley, Dinsmore & Shohl, Pittsburgh, PA.

For SCHNEIDER ELECTRIC USA, INC., Cross Defendant: Michael J. Zukowski, LEAD ATTORNEY, Fox Rothschild LLC, Pittsburgh, PA.

For SPX COOLING TECHNOLOGIES, INC., Cross Defendant: Matthew R. Wimer, LEAD ATTORNEY, Wimer Law Offices, Oakmont, PA.

For STERLING FLUID SYSTEMS (USA), LLC, Cross Defendant: Christopher S. Arnold, LEAD ATTORNEY,

Pittsburgh, PA; Katherine A. Lowery, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA; Matthew J. Doz, LEAD ATTORNEY, Swartz Campbell, LLC, Pittsburgh, PA; W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, Philadelphia, PA.

For SUNBEAM PRODUCTS, INC., as success-in-interest to Sunbeam Corporation, Cross Defendant: Michael A. Karaffa, LEAD ATTORNEY, Union Trust Building, Moon Township, PA; Ryan [*31] M. Krescanko, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For SURFACE COMBUSTION, INC., Cross Defendant: Patrick R. Malone, LEAD ATTORNEY, LeechTishman Fuscaldo & Lampl, Pittsburgh, PA.

For THE GOODYEAR TIRE & RUBBER COMPANY, Cross Defendant: John C. McMeekin, II, LEAD ATTORNEY, Rawle & Henderson LLP, Philadelphia, PA; Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For UNION CARBIDE CORPORATION, Cross Defendant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; Eric A. Fischer, Katherine A. Lowery, LEAD ATTORNEYS, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA; James Murray Leety, LEAD ATTORNEY, Lewis Brisbois Bisgaard & Smith, Pittsburgh, PA; Matthew J. Doz, LEAD ATTORNEY, Swartz Campbell, LLC, Pittsburgh, PA; Richard L. Walker, LEAD ATTORNEY, Kelley, Jasons, McGuire & Spinelli, Philadelphia, PA.

For UNITED CONVEYOR CORPORATION, Cross Defendant: Jeanne Welch Sopher, LEAD ATTORNEY, Litchfield Cavo LLP, Pittsburgh, PA.

For UNITED STATES STEEL CORPORATION, Cross Defendant: J. Lawson Johnston, Scott D. Clements, LEAD ATTORNEYS, Dickie, [*32] McCamey & Chilcote, P.C., Pittsburgh, PA.

For WASHINGTON GROUP INTERNATIONAL, f/k/a Raytheon Engineers and Constructors, Inc. and all its domestic subsidiaries including The Badger Company, Inc., n/k/a URS Energy & Construction, Inc., WATSON MCDANIEL COMPANY, Cross Defendants: Kyle T. McGee, Richard E. Bliss, LEAD ATTORNEYS, Margolis Edelstein, Pittsburgh, PA.

For YUBA HEAT TRANSFER, LLC, Cross Defendant: Shannan Noe Cerrone, LEAD ATTORNEY, Pittsburgh,

PA.

For CBS CORPORATION, f/k/a Viacom, Inc., as Successor by Merger to CBS Corp., a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation, Cross Claimant: Daniel J. Sinclair, Eckert, Seamans, Cherin & Mellott, Pittsburgh, PA.

For CBS CORPORATION, f/k/a Viacom, Inc., as Successor by Merger to CBS Corp., a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation, Cross Defendant: Daniel J. Sinclair, Eckert, Seamans, Cherin & Mellott, Pittsburgh, PA.

For CLYDE UNION, INC., d/b/a Clyde Union Pumps, individually and as successor-by-merger to Union Pump Company, OCEAN VIEW CAPITAL, A.O. SMITH CORPORATION, CLEAVER-BROOKS, OSRAM SYLVANIA INC., in its own right and as successor-in-interest to GTE Products Corporation, The Clark [*33] Controller Company and A.O. Smith Corporation, MUELLER STEAM SPECIALTY, Cross Defendants: Vincent P. Lamperski, Post & Schell, P.C., Pittsburgh, PA.

For EATON CORPORATION, as successor-in-interest to Cutler Hammer, Inc., n/k/a Eaton Electrical Inc., Cross Defendant: Erin Margolin, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For EICHLEAY CORPORATION, Cross Defendant: Mallory P. Gold, Evashavik, DiLucente & Tetlow, LLC, Pittsburgh, PA.

For HONEYWELL, INC., Cross Defendant: Donald H. Smith, LEWIS, BRISBOIS, BISGAARD & SMITH, LLP, Pittsburgh, PA.

For THE NASH ENGINEERING COMPANY, HUNTER SALES CORPORATION, THE WILLIAM POWELL COMPANY, Cross Defendants: Steven D. Evans, Post & Schell, PC, Pittsburgh, PA.

For ATWOOD & MORRILL CO., INC., Cross Defendant: Mallory P. Gold, Evashavik, DiLucente & Tetlow, LLC, Pittsburgh, PA; Samantha Quinn, Zimmer Kunz, Pittsburgh, PA.

For FIRSTENERGY CORPORATION, FIRSTENERGY CORP., Cross Defendants: K. James Sullivan, Calfee, Halter & Griswold LLP, Cleveland, OH.

For REUNION INDUSTRIES, INC., Cross Defendant: Joshua M. Brick, Post & Schell, P.C., Pittsburgh, PA.

For UNITED STATES STEEL CORPORATION, Cross Claimant: J. Lawson Johnston, Scott [*34] D. Clements,

LEAD ATTORNEYS, Dickie, McCamey & Chilcote, P.C., Pittsburgh, PA.

For METROPOLITAN LIFE INSURANCE COMPANY, Cross Defendant: Ronald L. Daugherty, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA.

For MINE SAFETY APPLIANCE COMPANY, Cross Claimant: Gregory C Scheuring, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA; Joseph F. Butcher, LEAD ATTORNEY, Zimmer Kunz P.L.L.C., Pittsburgh, PA.

For A.R. WILFLEY & SONS, INC., Cross Defendant: Kimberly A. Martin-O'Bryan, LEAD ATTORNEY, Dehay & Elliston, LLP, Charleston, WV.

For SPIRAX SARCO, INC., ELECTROLUX HOME PRODUCTS INC., CLARK RELIANCE CORPORATION, and its division Jerguson Gage and Valve, Cross Claimants: Max T. Busatto, Vincent Scaglione, Jr., LEAD ATTORNEYS, Dickie, McCamey & Chilcote, Pittsburgh, PA.

For FIRSTENERGY CORPORATION, Cross Defendant: K. James Sullivan, LEAD ATTORNEY, Calfee, Halter & Griswold LLP, Cleveland, OH.

For LOCKHEED MARTIN CORPORATION, AIRTEK, INC., Cross Defendants: Richard C. Polley, Dickie, McCamey & Chilcote, P.C, Pittsburgh, PA.

For CRANE COMPANY, INC., Cross Defendant: Sarah M. Czapinski, K&L Gates, K&L Gates Center, Pittsburgh, PA.

For LOCKHEED MARTIN CORPORATION, AIRTEK, INC., Cross Claimants: [*35] Richard C. Polley, Dickie, McCamey & Chilcote, P.C, Pittsburgh, PA.

For FLSMIDTH, INC., MW CUSTOM PAPERS, LLC, SUNBEAM PRODUCTS, INC., as success-in-interest to Sunbeam Corporation, CLARK EQUIPMENT COMPANY, WARREN PUMPS, LLC, EATON CORPORATION, as successor-in-interest to Cutler Hammer, Inc., n/k/a Eaton Electrical Inc., CASHCO INC., Cross Defendants: Danielle M. Vugrinovich, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For MCNEIL (OHIO) CORPORATION, POWER PIPING COMPANY, WT/HRC CORPORATION, MOYNO, INC., SUNDYNE, LLC, MCMaster-CARR SUPPLY CO., ABB, INC., as successor to Brown Boveri (Individually and as successor-in-interest to ITE IMPERIAL CO f/k/a ITE CIRCUIT BREAKER COMPANY), BMI REFRACTORY SERVICES, INC., ALLIED GLOVE CORPORATION, Cross Defendants: Edward O'Connell,

Willman & Silvaggio, LLP, Pittsburgh, PA.

For NORTH AMERICAN MANUFACTURING CO., ARMSTRONG INTERNATIONAL, INC., Cross Claimants: Richard C. Polley, LEAD ATTORNEY, Dickie, McCamey & Chilcote, P.C, Pittsburgh, PA; Shannan Noe Cerrone, LEAD ATTORNEY, Pittsburgh, PA.

For MARMON HOLDINGS, INC., MANCHESTER TANK, Division of McWane, Inc., MW CUSTOM PAPERS, LLC, CLARK EQUIPMENT COMPANY, ECODYNE HEAT EXCHANGERS, INC., [*36] (incorrectly named as "Ecodyne Corp."), CASHCO INC., Cross Defendants: Erin Margolin, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For SULZER PUMPS (US), INC., AHLSTROM PUMPS LLC, SULZER PUMPS SOLUTIONS, INC., Cross Defendants: Jenna Christine Hutchinson, Troutman Pepper Hamilton Sanders LLP, New York, NY.

For AURORA PUMP, LINDBERG, BLUE M CORPORATION, Cross Claimants: James P. Hadden, LEAD ATTORNEY, Maron Mavel Bfradley & Anderson, P.A., Philadelphia, PA; Joseph R. Schaper, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For BW/IP, INC., FLOWSERVE US, INC., solely as successor to Nordstrom Audco Inc., Edward Valves inc., Nordstrom Valves, Inc., and Rockwell Manufacturing Company, FLOWSERVE US, INC., f/k/a Flowserve FSD Corp., successor to Valtek International, NORTEK GLOBAL HVAC, LLC, as successor by merger to Reznor, LLC (incorrectly named herein; correct naming as follows: Nortek Global HVAC, LLC), Cross Defendants: John A. Turlik, LEAD ATTORNEY, PRO HAC VICE, Segal McCambridge Singer & Mahoney, Philadelphia, PA.

For DRAVO CORPORATION, Cross Defendant: John W. Bruni, Litchfield Cavo, Pittsburgh, PA; Michael J. Sechler, Litchfield Cavo LLP, Pittsburgh, [*37] PA.

For YUBA HEAT TRANSFER, LLC, Cross Claimant: Shannan Noe Cerrone, LEAD ATTORNEY, Pittsburgh, PA.

For FLSMIDTH DORR-OLIVER, INC., as successor-in-interest to Keller/Dorr-Oliver Boiler Company, VELAN VALVE CORPORATION, Cross Defendants: Joseph R. Schaper, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For POWERMASTER PACIFIC PRODUCTS, PARKER-HANIFIN CORPORATION, HONEYWELL

INTERNATIONAL INC., f/k/a Allied Signal, Inc., as successor-in-interest to the Bendix Corporation, IMO INDUSTRIES, INC, HAJOCA CORPORATION, RILEY POWER, INC., THE GOODYEAR TIRE & RUBBER COMPANY, Cross Defendants: Robert L Hogan, Rawle & Henderson LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For INDUSTRIAL HOLDINGS CORPORATION, VELAN VALVE CORPORATION, Cross Claimants: Joseph R. Schaper, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For NAGLE PUMPS, INC., Cross Claimant: Adam J. Warhola, LEAD ATTORNEY, Dickie, McCamey & Chilcote, Pittsburgh, PA; Richard C. Polley, LEAD ATTORNEY, Dickie, McCamey & Chilcote, P.C, Pittsburgh, PA.

For GENERAL ELECTRIC COMPANY, Cross Claimant: Bryan S. Neft, LEAD ATTORNEY, Spilman Thomas & Battle PLLC, Pittsburgh, PA; David Speziali, LEAD ATTORNEY, PRO [*38] HAC VICE, Speziali, Greenwald & Hawkins; Kate Mercer-Lawson, PRO HAC VICE, Wheeler Trigg O'Donnell, LLP, Denver, CO.

For SPX COOLING TECHNOLOGIES, INC., Cross Defendant: Matthew Wimer, Wimer Law Offices, P.C, Oakmont, PA.

For CHICAGO BRIDGE & IRON COMPANY, Cross Claimant: Bryan S. Neft, LEAD ATTORNEY, Spilman Thomas & Battle PLLC, Pittsburgh, PA.

For A.O. SMITH CORPORATION, MUELLER STEAM SPECIALTY, OSRAM SYLVANIA INC., in its own right and as successor-in-interest to GTE Products Corporation, The Clark Controller Company and A.O. Smith Corporation, Cross Defendants: Vincent P. Lamperski, LEAD ATTORNEY, Post & Schell, P.C., Pittsburgh, PA.

For DRAVO CORPORATION, Cross Defendant: Michael J. Sechler, LEAD ATTORNEY, Litchfield Cavo LLP, Pittsburgh, PA.

For EVOQUA WATER TECHNOLOGIES, LLC, in its own right and as successor-in-interest to Wallace & Tiernan, Cross Claimant: Adam J. Warhola, Dickie, McCamey & Chilcote, Pittsburgh, PA.

For EVOQUA WATER TECHNOLOGIES, LLC, in its own right and as successor-in-interest to Wallace & Tiernan, Cross Defendant: Adam J. Warhola, Dickie, McCamey & Chilcote, Pittsburgh, PA.

For CAMERON INTERNATIONAL CORPORATION, Cross Claimant: Nicholas J. Koch, LEAD

ATTORNEY, [*39] Frost Brown Todd, Union Trust Building, Pittsburgh, PA.

For THE MARLEY-WYLAIN COMPANY, incorrectly designated as WEIL-McLAIN COMPANY, Cross Claimant: Christopher H. Jones, LEAD ATTORNEY, McElroy, Deutsch, Mulvaney & Carpenter, LLP, Philadelphia, PA.

For GOULD ELECTRONICS, INC., Incorrectly designated by Plaintiff as Gould Electronics, Inc., f/k/a GD-TEK, Inc., Cross Claimant: Christopher H. Jones, McElroy, Deutsch, Mulvaney & Carpenter, LLP, Philadelphia, PA.

For GOULD ELECTRONICS, INC., Incorrectly designated by Plaintiff as Gould Electronics, Inc., f/k/a GD-TEK, Inc., THE MARLEY-WYLAIN COMPANY, Cross Defendants: Christopher H. Jones, McElroy, Deutsch, Mulvaney & Carpenter, LLP, Philadelphia, PA.

For AMERON INTERNATIONAL CORPORATION, WHEELING RUBBER PRODUCTS, INC., Cross Claimants: Edward A. Smallwood, LEAD ATTORNEY, Post & Schell, P.C., Pittsburgh, PA.

For CEMLINE CORPORATION, WASHINGTON GROUP INTERNATIONAL, f/k/a Raytheon Engineers and Constructors, Inc. and all its domestic subsidiaries including The Badger Company, Inc., n/k/a URS Energy & Construction, Inc., WATSON MCDANIEL COMPANY, Cross Defendants: Jason M. English, Margolis Edelstein, The Oliver Building, Pittsburgh, PA.

For EXELON [*40] CORPORATION, MCCARLS, INC., RCH NEW CO., II LLC, f/k/a Robertson Ceco Corporation, an alleged successor to H.H. Robertson Company, Cross Defendants: Jennifer E. Watson, Wilbraham Lawler & Buba, Pittsburgh, PA.

For FOSTER WHEELER, LLC, GREENE TWEED & COMPANY, INC., Cross Claimants: Dennis F. Wolford, LEAD ATTORNEY, Reed, Tosh, Wolford & Douglass, Beaver, PA; Kathryn L. Johnston, LEAD ATTORNEY, Reed, Luce, Tosh, Wolford & Douglass, Beaver, PA.

For UNITED CONVEYOR CORPORATION, Cross Claimant: Jeanne Welch Sopher, LEAD ATTORNEY, Litchfield Cavo LLP, Pittsburgh, PA.

For HONEYWELL, INC., Cross Claimant: Eric W. Santos, LEAD ATTORNEY, Lewis Brisbois, Pittsburgh, PA; Trisha R. Hudkins, LEAD ATTORNEY, Lewis Brisbois Bisgaard and Smith LLP, Pittsburgh, PA.

For INGERSOLL-RAND CORPORATION, TRANE U.S. INC., f/k/a American Standard Corporation, f/k/a/ American Radiator & Standard Sanitary, in its own right

and as successor to Westinghouse Airbrake and/or WABCO, Cross Claimants: Edward A. Smallwood, Kelly L Smith, Leo Gerard Daly, LEAD ATTORNEYSS, Post & Schell, P.C., Pittsburgh, PA; Michael J. Sechler, LEAD ATTORNEY, Litchfield Cavo LLP, Pittsburgh, PA.

For SCHNEIDER ELECTRIC USA, INC., Cross Defendant: [*41] Jeffrey N Kinsey, Fox Rothschild LLP, Bny Mellon Center, 500 Grant Street, Sui, Pittsburgh, PA; Tausha Saunders, Fox Rothschild LLP, Pittsburgh, PA.

For HUNTER SALES CORPORATION, Cross Claimant: Edward A. Smallwood, Kelly L Smith, LEAD ATTORNEYS, Post & Schell, P.C., Pittsburgh, PA; Steven D. Evans, LEAD ATTORNEY, Post & Schell, PC, Pittsburgh, PA.

For HONEYWELL, INC., Cross Defendant: Donald H. Smith, LEAD ATTORNEY, LEWIS, BRISBOIS, BISGAARD & SMITH, LLP, Pittsburgh, PA; Mark T. Caloyer, LEAD ATTORNEY, Lewis Brisbois, Pittsburgh, PA.

For HUNTER SALES CORPORATION, Cross Defendant: Steven D. Evans, LEAD ATTORNEY, Post & Schell, PC, Pittsburgh, PA.

For THE WILLIAM POWELL COMPANY, THE NASH ENGINEERING COMPANY, Cross Claimants: Edward A. Smallwood, LEAD ATTORNEY, Post & Schell, P.C., Pittsburgh, PA; Steven D. Evans, Post & Schell, PC, Pittsburgh, PA.

For DUQUESNE LIGHT COMPANY, Cross Claimant: Cathy R. Gordon, LEAD ATTORNEY, Post & Schell, PC, Pittsburgh, PA.

For DRAVO CORPORATION, Cross Claimant: Hilary C. Bonenberger, LEAD ATTORNEY, Swartz Campbell, Pittsburgh, PA; Michael J. Sechler, Litchfield Cavo LLP, Pittsburgh, PA.

For AMETEK, INC., Cross Defendant: Paul K. Vey, LEAD ATTORNEY, Pietragallo [*42] Gordon Alfano Bosick & Raspanti, LLP, Pittsburgh, PA.

For CLARK EQUIPMENT COMPANY, ECODYNE HEAT EXCHANGERS, INC., (incorrectly named as "Ecodyne Corp."), MANCHESTER TANK, Division of McWane, Inc., Cross Defendants: Patrick Reilly, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For BEAZER EAST, INC, in its own right and as successor to Koppers Co., Inc., and other related companies, including Thiem Corporation, Beazer USA, Inc., and Beazer, PLC, Cross Claimant: Mark A. Fiorilli,

Robert R. Leight, LEAD ATTORNEYS, Spilman Thomas & Battle, PLLC, Pittsburgh, PA.

For JOY GLOBAL UNDERGROUND MINING, LLC, ZURN INDUSTRIES, GARDNER DENVER, INC., FLOWSERVE CORPORATION, CARRIER CORPORATION, Cross Claimants: Edward A. Miller, LEAD ATTORNEY, Steptoe & Johnson PLLC, Canonsburg, PA; Melissa Devich Cochran, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For FLSMIDTH DORR-OLIVER, INC., as successor-in-interest to Keller/Dorr-Oliver Boiler Company, VELAN VALVE CORPORATION, Cross Claimants: Joseph R. Schaper, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For BW/IP, INC., NORTEK GLOBAL HVAC, LLC, as successor by merger to Reznor, LLC (incorrectly [*43] named herein; correct naming as follows: Nortek Global HVAC, LLC), Cross Claimants: John A. Turlik, LEAD ATTORNEY, Segal McCambridge Singer & Mahoney, Philadelphia, PA.

For FLOWSERVE US, INC., f/k/a Flowserve FSD Corp., successor to Valtek International, Cross Claimant: John A. Turlik, LEAD ATTORNEY, Segal McCambridge Singer & Mahoney, Philadelphia, PA; Christine M. Crimarki, Goldfein & Joseph PC.

For COLUMBUS MCKINNON CORP., successor-by-merger to Lift Tech International, Inc., and its Shaw-Box Hoist Division, Cross Claimant: Kevin M. Ward, LEAD ATTORNEY, Swartz Campbell LLC, Pittsburgh, PA.

For HOWDEN NORTH AMERICA, INC., Cross Claimant: Alba E Arriaga, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For HOWDEN NORTH AMERICA, INC., Cross Defendant: Alba E Arriaga, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For AHLSTROM PUMPS LLC, SULZER PUMPS (US), INC., SULZER PUMPS SOLUTIONS, INC., Cross Claimants: Jenna Christine Hutchinson, Troutman Pepper Hamilton Sanders LLP, New York, NY.

For ATWOOD & MORRILL CO., INC., EICHLEAY CORPORATION, Cross Defendants: Daniel E. Krauth, Zimmer Kunz, Pittsburgh, PA.

For JOHN CRANE, INC., Cross Defendant: Edward A. Schenck, Cipriani & Warner, [*44] P.C., Pittsburgh, PA.

For THE NASH ENGINEERING COMPANY, REUNION INDUSTRIES, INC., WHEELING RUBBER

PRODUCTS, INC., AMERON INTERNATIONAL CORPORATION, Cross Defendants: Edward A. Smallwood, Post & Schell, P.C., Pittsburgh, PA.

For ZURN INDUSTRIES, GARDNER DENVER, INC., FLOWSERVE US, INC., solely as successor to Nordstrom Audco Inc., Edward Valves inc., Nordstrom Valves, Inc., and Rockwell Manufacturing Company, Cross Defendants: Melissa Devich Cochran, Marshall Dennehey Warner Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For CRANE COMPANY, INC., Cross Defendant: Michael J. Ross, K&L Gates LLP, K&L Gates Center, Pittsburgh, PA.

For OCEAN VIEW CAPITAL, OSRAM SYLVANIA INC., in its own right and as successor-in-interest to GTE Products Corporation, The Clark Controller Company and A.O. Smith Corporation, Cross Defendants: Leo Gerard Daly, Post & Schell, P.C., Pittsburgh, PA.

For WARREN PUMPS, LLC, FLSMIDTH, INC., Cross Claimants: Ryan M. Krescanko, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For SUNBEAM PRODUCTS, INC., as success-in-interest to Sunbeam Corporation, Cross Claimant: Michael A. Karaffa, LEAD ATTORNEY, Union Trust Building, [*45] Moon Township, PA; Ryan M. Krescanko, LEAD ATTORNEY, Marshall, Dennehey, Warner, Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For GENERAL ELECTRIC COMPANY, Cross Defendant: Kate Mercer-Lawson, Wheeler Trigg O'Donnell, LLP, Denver, CO.

For SULZER PUMPS (US), INC., Cross Defendant: Ralph C. Surman, Jr., LEAD ATTORNEY, Troutman Pepper LLP, Pittsburgh, PA.

For ECODYNE HEAT EXCHANGERS, INC., (incorrectly named as "Ecodyne Corp."), MANCHESTER TANK, Division of McWane, Inc., Cross Claimants: Erin Margolin, Patrick Reilly, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For HUNTER SALES CORPORATION, Cross Defendant: Kelly L Smith, Post & Schell, P.C., Pittsburgh, PA.

For EATON CORPORATION, as successor-in-interest to Cutler Hammer, Inc., n/k/a Eaton Electrical Inc., MARMON HOLDINGS, INC., MW CUSTOM PAPERS, LLC, CLARK EQUIPMENT COMPANY, CASHCO INC., Cross Claimants: Erin Margolin, Marshall Dennehey

Warner Coleman & Goggin, Pittsburgh, PA.

For WASHINGTON GROUP INTERNATIONAL, f/k/a Raytheon Engineers and Constructors, Inc. and all its domestic subsidiaries including The Badger Company, Inc., n/k/a URS Energy & Construction, Inc., Cross Claimant: Kyle T. McGee, LEAD ATTORNEY, Margolis [*46] Edelstein, Pittsburgh, PA.

For CHICAGO BRIDGE & IRON COMPANY, Cross Defendant: Bryan S. Neft, Spilman Thomas & Battle PLLC, Pittsburgh, PA.

For CHICAGO PNEUMATIC TOOL COMPANY, LLC, Cross Defendant: Joni M. Mangino, Zimmer Kunz, Pittsburgh, PA; Ryan Anthony Zeli, Zimmer Kunz, PLLC, Pittsburgh, PA.

For FLUOR CONSTRUCTORS INTERNATIONAL, FLUOR CORPORATION, Cross Defendants: Joseph R. Petrina, Zimmer Kunz PLLC, Pittsburgh, PA.

For INGERSOLL-RAND CORPORATION, Cross Defendant: Edward A. Smallwood, Post & Schell, P.C., Pittsburgh, PA; Michael J. Sechler, Litchfield Cavo LLP, Pittsburgh, PA.

For GENERAL ELECTRIC COMPANY, Cross Defendant: Erik David Nadolink, LEAD ATTORNEY, PRO HAC VICE, Wheeler Trigg O'Donnell LLP, Denver, CO; Bryan S. Neft, Spilman Thomas & Battle PLLC, Pittsburgh, PA.

For MOYNO, INC., MCMaster-CARR SUPPLY CO., SUNDYNE, LLC, Cross Defendants: Ronald J. Richert, Willman & Silvaggio, Pittsburgh, PA.

For RESEARCH-COTTRELL, INC., n/k/a AWT AIR COMPANY, INC., incorrectly identified as Research Cottrell Cooling, Inc., n/k/a AWT Air Company, Inc., Cross Claimant: Joseph L. Orszulak, II, LEAD ATTORNEY, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For AIR & LIQUID SYSTEMS CORPORATION, [*47] successor-by-merger to Buffalo Pumps, Inc., AECOM ENERGY & CONSTRUCTION, INC., VIKING PUMP, INC., SAINT-GOBAIN ABRASIVES, INC., MILWAUKEE VALVE COMPANY, I.U. NORTH AMERICA, INC., as successor by merger to The Garp Company, formerly known as The Gage Company, formerly known as Pittsburgh Gage and Supply Company, CERTAINTED CORPORATION, Cross Claimants: Jennifer E. Watson, LEAD ATTORNEY, Wilbraham Lawler & Buba, Pittsburgh, PA.

For EICHLEAY CORPORATION, Cross Defendant: Mallory P. Gold, LEAD ATTORNEY, Evashavik,

DiLucente & Tetlow, LLC, Pittsburgh, PA.

For EXELON CORPORATION, RCH NEW CO., II LLC, f/k/a Robertson Ceco Corporation, an alleged successor to H.H. Robertson Company, Cross Claimants: Jennifer E. Watson, Wilbraham Lawler & Buba, Pittsburgh, PA.

For MCCARLS, INC., Cross Claimant: Daniel R. Bentz, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, Pittsburgh, PA; John M. Schollaert, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, PC, Pittsburgh, PA; Jennifer E. Watson, Wilbraham Lawler & Buba, Pittsburgh, PA.

For MANCHESTER TANK, Division of McWane, Inc., SUNBEAM PRODUCTS, INC., as success-in-interest to Sunbeam Corporation, Cross Defendants: Danielle M. Vugrinovich, **[*48]** LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For JOHN CRANE, INC., Cross Claimant: Edward A. Schenck, LEAD ATTORNEY, Cipriani & Warner, P.C., Pittsburgh, PA.

For MCJUNKIN REDMAN CORPORATION, DONALD MCKAY SMITH, INC., MINNOTTE CONTRACTING CORPORATION, Cross Claimants: Joni M. Mangino, Zimmer Kunz, Pittsburgh, PA.

For M.S. JACOBS & ASSOCIATES, INC., Cross Claimant: Daniel J. Cuddy, LEAD ATTORNEY, Daniel J Cuddy, Attorney at Law, Pittsburgh, PA; Joni M. Mangino, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA.

For INSUL COMPANY, INC., Cross Claimant: Joni M. Mangino, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA.

For MORGAN ENGINEERING SYSTEMS, INC., CHICAGO PNEUMATIC TOOL COMPANY, LLC, Cross Claimants: Joni M. Mangino, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA; Ryan Anthony Zeli, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA.

For AJAX MAGNETHERMIC CORPORATION, Cross Claimant: William J. Witte, LEAD ATTORNEY, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For WATTS REGULATOR CO., Cross Claimant: James B. Insko, LEAD ATTORNEY, Gordon Rees Scully Mansukhani, LLP, Pittsburgh, PA.

For SIEMENS INDUSTRY INC, Cross Claimant: James B. Insko, Gordon Rees Scully Mansukhani, **[*49]** LLP, Pittsburgh, PA.

For MARMON HOLDINGS, INC., Cross Defendant: Erin Margolin, Patrick Reilly, LEAD ATTORNEYS, Marshall

Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For SIEMENS INDUSTRY INC, Cross Defendant: James B. Insko, Gordon Rees Scully Mansukhani, LLP, Pittsburgh, PA.

For BMI REFRACTORY SERVICES, INC., POWER PIPING COMPANY, SUNDYNE, LLC, Cross Claimants: Concetta A. Silvaggio, Ronald J. Richert, LEAD ATTORNEYS, Willman & Silvaggio, Pittsburgh, PA.

For MOYNO, INC., Cross Claimant: Ronald J. Richert, Willman & Silvaggio, Pittsburgh, PA.

For WT/HRC CORPORATION, MCNEIL (OHIO) CORPORATION, MCMaster-CARR SUPPLY CO., ALLIED GLOVE CORPORATION, BROWN BOVERI, INC., Cross Claimants: Glenn A. Huetter, Jr., Willman & Silvaggio LLP, Pittsburgh, PA.

For WT/HRC CORPORATION, MCNEIL (OHIO) CORPORATION, MCMaster-CARR SUPPLY CO., ALLIED GLOVE CORPORATION, BROWN BOVERI, INC., MOYNO, INC., Cross Defendants: Glenn A. Huetter, Jr., Willman & Silvaggio LLP, Pittsburgh, PA.

For FLOWSERVE CORPORATION, Cross Defendant: Christine M. Crimarki, LEAD ATTORNEY, Goldfein & Joseph PC, Philadelphia, PA.

For RILEY POWER, INC., IMO INDUSTRIES, INC, PARKER-HANIFIN CORPORATION, HAJOCA CORPORATION, POWERMASTER PACIFIC **[*50]** PRODUCTS, THE GOODYEAR TIRE & RUBBER COMPANY, HONEYWELL INTERNATIONAL INC., f/k/a Allied Signal, Inc., as successor-in-interest to the Bendix Corporation, Cross Claimants: Robert L Hogan, Rawle & Henderson LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For FOSECO, INC., Cross Claimant: Terry A. Schrock, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Pittsburgh, PA.

For EICHLEAY CORPORATION, Cross Claimant: Daniel E. Krauth, Samantha Quinn, LEAD ATTORNEYS, Zimmer Kunz, Pittsburgh, PA; Mallory P. Gold, Evashavik, DiLucente & Tetlow, LLC, Pittsburgh, PA.

For ATWOOD & MORRILL CO., INC., Cross Claimant: Daniel E. Krauth, LEAD ATTORNEY, Samantha Quinn, Zimmer Kunz, Pittsburgh, PA; Mallory P. Gold, Evashavik, DiLucente & Tetlow, LLC, Pittsburgh, PA.

For J-M MANUFACTURING COMPANY, INC., Cross Claimant: Daniel R. Bentz, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, Pittsburgh, PA; John

M. Schollaert, LEAD ATTORNEY, Marks, O'Neill, O'Brien, Doherty & Kelly, PC, Pittsburgh, PA.

For CARVER PUMP COMPANY, Cross Claimant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; James Murray Leety, LEAD ATTORNEY, Lewis Brisbois Bisgaard & Smith, Pittsburgh, PA; Katherine A. Lowery, [*51] LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA.

For FLUOR CONSTRUCTORS INTERNATIONAL, FLUOR ENTERPRISES, INC., FLUOR CORPORATION, Cross Claimants: Joseph R. Petrina, LEAD ATTORNEY, Zimmer Kunz PLLC, Pittsburgh, PA.

For RUST ENGINEERING & CONSTRUCTION, INC., WTI RUST HOLDINGS, INC., BRAND INSULATIONS, INC., WHEELABRATOR AIR POLLUTION CONTROL, INC., Cross Claimants: Michael Magee, LEAD ATTORNEY, Pietragallo, Bosick & Gordon, Pittsburgh, PA.

For ALFA LAVAL, INC., Cross Defendant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; James Murray Leety, LEAD ATTORNEY, Lewis Brisbois Bisgaard & Smith, Pittsburgh, PA; Katherine A. Lowery, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA; Matthew J. Doz, LEAD ATTORNEY, Swartz Campbell, LLC, Pittsburgh, PA.

For FLOWSERVE US, INC., solely as successor to Nordstrom Audco Inc., Edward Valves inc., Nordstrom Valves, Inc., and Rockwell Manufacturing Company, Cross Defendant: Deborah A. Beck, Goldfein & Joseph, P.C., Philadelphia, PA.

For GENERAL DYNAMICS CORPORATION, Cross Defendant: Erik C. Dimarco, Gordon Rees Scully Mansukhani LLP.

For HAJOCA [*52] CORPORATION, Cross Defendant: Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA; Robert L Hogan, LEAD ATTORNEY, Rawle & Henderson LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For AMETEK, INC., Cross Defendant: David Emil Lamm, LEAD ATTORNEY, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, Pittsburgh, PA.

For FIRSTENERGY CORPORATION, Cross Defendant: Lindsey E. Sacher, LEAD ATTORNEY, Calfee, Halter & Griswold LLP.

For GOULDS PUMPS, LLC, Cross Defendant: Aaron

Arthur, LEAD ATTORNEY, Morgan, Lewis & Bockius, LLP, Philadelphia, PA.

For CRANE COMPANY, INC., Cross Claimant: Sarah M. Czynski, K&L Gates, K&L Gates Center, Pittsburgh, PA.

For ALLIED GLOVE CORPORATION, Cross Defendant: Concetta A. Silvaggio, Willman & Silvaggio, Pittsburgh, PA; Joseph D. Silvaggio, Willman & Arnold, Pittsburgh, PA.

For FLSMIDTH, INC., SUNBEAM PRODUCTS, INC., as success-in-interest to Sunbeam Corporation, CASHCO INC., MW CUSTOM PAPERS, LLC, CLARK EQUIPMENT COMPANY, WARREN PUMPS, LLC, Cross Claimants: Danielle M. Vugrinovich, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For COLUMBUS MCKINNON CORP., successor-by-merger to Lift Tech International, [*53] Inc., and its Shaw-Box Hoist Division, Cross Defendant: Kevin M. Ward, Swartz Campbell LLC, Pittsburgh, PA.

For JOY GLOBAL UNDERGROUND MINING, LLC, Cross Defendant: Edward A. Miller, Steptoe & Johnson PLLC, Canonsburg, PA.

For MINE SAFETY APPLIANCE COMPANY, Cross Defendant: Joseph F. Butcher, Zimmer Kunz P.L.L.C., Pittsburgh, PA.

For MINNOTTE CONTRACTING CORPORATION, DONALD MCKAY SMITH, INC., Cross Claimants: Christopher T. Yoskosky, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA; Gregory C Scheuring, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA.

For UNITED CONVEYOR CORPORATION, Cross Defendant: Jeanne Welch Sopher, Litchfield Cavo LLP, Pittsburgh, PA.

For A.O. SMITH CORPORATION, OCEAN VIEW CAPITAL, OSRAM SYLVANIA INC., in its own right and as successor-in-interest to GTE Products Corporation, The Clark Controller Company and A.O. Smith Corporation, Cross Claimants: Vincent P. Lamperski, Post & Schell, P.C., Pittsburgh, PA.

For CLEAVER-BROOKS, CLYDE UNION, INC., d/b/a Clyde Union Pumps, individually and as successor-by-merger to Union Pump Company, Cross Claimants: Leo Gerard Daly, LEAD ATTORNEY, Vincent P. Lamperski, Post & Schell, P.C., Pittsburgh, PA.

For MUELLER STEAM SPECIALTY, Cross [*54] Claimant: Leo Gerard Daly, Vincent P. Lamperski, LEAD ATTORNEYS, Post & Schell, P.C., Pittsburgh,

PA.

For BRAND INSULATIONS, INC., RUST ENGINEERING & CONSTRUCTION, INC., WTI RUST HOLDINGS, INC., WHEELABRATOR AIR POLLUTION CONTROL, INC., Cross Claimants: David James Singley, Dinsmore & Shohl, Pittsburgh, PA.

For COLUMBUS MCKINNON CORP., successor-by-merger to Lift Tech International, Inc., and its Shaw-Box Hoist Division, Cross Claimant: Kevin M. Ward, Swartz Campbell LLC, Pittsburgh, PA.

For THE GOODYEAR TIRE & RUBBER COMPANY, Cross Claimant: Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For THE GOODYEAR TIRE & RUBBER COMPANY, Counter Claimant: Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For ALFA LAVAL, INC., Counter Defendant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; James Murray Leety, LEAD ATTORNEY, Lewis Brisbois Bisgaard & Smith, Pittsburgh, PA; Katherine A. Lowery, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA; Matthew J. Doz, LEAD ATTORNEY, Swartz Campbell, LLC, Pittsburgh, PA.

For BEAZER EAST, [*55] INC, in its own right and as successor to Koppers Co., Inc., and other related companies, including Thiem Corporation, Beazer USA, Inc., and Beazer, PLC, Counter Defendant: Mark A. Fiorilli, Robert R. Leight, LEAD ATTORNEYS, Spilman Thomas & Battle, PLLC, Pittsburgh, PA.

For CARVER PUMP COMPANY, Counter Defendant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; James Murray Leety, LEAD ATTORNEY, Lewis Brisbois Bisgaard & Smith, Pittsburgh, PA; Katherine A. Lowery, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA.

For DRAVO CORPORATION, Counter Defendant: Hilary C. Bonenberger, LEAD ATTORNEY, Swartz Campbell, Pittsburgh, PA; John W. Bruni, LEAD ATTORNEY, Litchfield Cavo, Pittsburgh, PA; Michael J. Sechler, LEAD ATTORNEY, Litchfield Cavo LLP, Pittsburgh, PA.

For EATON CORPORATION, as successor-in-interest to Cutler Hammer, Inc., n/k/a Eaton Electrical Inc., Counter Defendant: Erin Margolin, Patrick Reilly, LEAD

ATTORNEYS, Danielle M. Vugrinovich, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For FLOWSERVE CORPORATION, Counter Defendant: Edward A. Miller, LEAD ATTORNEY, Steptoe & Johnson PLLC, Canonsburg, PA; Melissa [*56] Devich Cochran, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For FLOWSERVE US, INC., solely as successor to Nordstrom Audco Inc., Edward Valves inc., Nordstrom Valves, Inc., and Rockwell Manufacturing Company, Counter Defendant: Deborah A. Beck, Goldfein & Joseph, P.C., Philadelphia, PA; Christine M. Crimarki, Goldfein & Joseph PC.

For HAJOCA CORPORATION, Counter Defendant: Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA; Robert L Hogan, LEAD ATTORNEY, Rawle & Henderson LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For HOWDEN NORTH AMERICA, INC., Counter Defendant: Anne M. McFadden, LEAD ATTORNEY, Riley Hewitt Witte & Romano, PC, Pittsburgh, PA; Sandra L. Alven, LEAD ATTORNEY, Alba E Arriaga, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

For INSUL COMPANY, INC., Counter Defendant: Joni M. Mangino, LEAD ATTORNEY, Zimmer Kunz, Pittsburgh, PA.

For LINDBERG, AURORA PUMP, BLUE M CORPORATION, Counter Defendants: James P. Hadden, LEAD ATTORNEY, Maron Mavel Bfradley & Anderson, P.A., Philadelphia, PA; Joseph R. Schaper, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, [*57] PA.

For MCMASTER-CARR SUPPLY CO., Counter Defendant: Glenn A. Huetter, Jr., Willman & Silvaggio LLP, Pittsburgh, PA.

For METROPOLITAN LIFE INSURANCE COMPANY, Counter Defendant: Stewart R. Singer, LEAD ATTORNEY, Salmon, Ricchezza, Singer & Turchi, Philadelphia, PA; Ronald L. Daugherty, Salmon, Ricchezza, Singer & Turchi, LLP, Philadelphia, PA.

For MINNOTTE CONTRACTING CORPORATION, Counter Defendant: Christopher T. Yoskosky, LEAD ATTORNEY, Joni M. Mangino, Zimmer Kunz, Pittsburgh, PA; Gregory C Scheuring, LEAD ATTORNEY, Zimmer Kunz, PLLC, Pittsburgh, PA.

For PARKER-HANIFIN CORPORATION, Counter

Defendant: Eric K. Falk, LEAD ATTORNEY, Davies, McFarland & Carroll, Pittsburgh, PA; Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For SULZER PUMPS SOLUTIONS, INC., Counter Defendant: Jenna Christine Hutchinson, Troutman Pepper Hamilton Sanders LLP, New York, NY.

For WTI RUST HOLDINGS, INC., Counter Defendant: Michael Magee, LEAD ATTORNEY, Pietragallo, Bosick & Gordon, Pittsburgh, PA.

For BW/IP, INC., Counter Defendant: John A. Turlik, LEAD ATTORNEY, Segal McCambridge Singer & Mahoney, Philadelphia, PA.

For CHICAGO BRIDGE & IRON COMPANY, Counter [*58] Defendant: Bryan S. Neft, LEAD ATTORNEY, Spilman Thomas & Battle PLLC, Pittsburgh, PA.

For CLARK RELIANCE CORPORATION, and its division Jerguson Gage and Valve, ELECTROLUX HOME PRODUCTS INC., Counter Defendants: Max T. Busatto, Vincent Scaglione, Jr., LEAD ATTORNEYS, Dickie, McCamey & Chilcote, Pittsburgh, PA.

For FLUOR ENTERPRISES, INC., Counter Defendant: Joseph R. Petrina, LEAD ATTORNEY, Zimmer Kunz PLLC, Pittsburgh, PA.

For GENERAL ELECTRIC COMPANY, Counter Defendant: Bryan S. Neft, LEAD ATTORNEY, Spilman Thomas & Battle PLLC, Pittsburgh, PA; David Speziali, LEAD ATTORNEY, PRO HAC VICE, Speziali, Greenwald & Hawkins; Kate Mercer-Lawson, Wheeler Trigg O'Donnell, LLP, Denver, CO.

For POWER PIPING COMPANY, Counter Defendant: Concetta A. Silvaggio, Ronald J. Richert, LEAD ATTORNEYS, Willman & Silvaggio, Pittsburgh, PA.

For UNITED STATES STEEL CORPORATION, Counter Defendant: J. Lawson Johnston, Scott D. Clements, LEAD ATTORNEYS, Dickie, McCamey & Chilcote, P.C., Pittsburgh, PA.

For VELAN VALVE CORPORATION, INDUSTRIAL HOLDINGS CORPORATION, Counter Defendants: Joseph R. Schaper, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For WATTS REGULATOR CO., Counter Defendant: [*59] James B. Insko, LEAD ATTORNEY, Gordon Rees Scully Mansukhani, LLP, Pittsburgh, PA.

For AMETEK, INC., Counter Defendant: David Emil Lamm, Paul K. Vey, LEAD ATTORNEYS, Pietragallo

Gordon Alfano Bosick & Raspanti, LLP, Pittsburgh, PA.

For BAKER HUGHES, a GE Company, LLC, Counter Defendant: Philip P. Keating, LEAD ATTORNEY, Steptoe & Johnson PLLC, Canonsburg, PA.

For NORTH AMERICAN MANUFACTURING CO., Counter Defendant: Richard C. Polley, LEAD ATTORNEY, Dickie, McCamey & Chilcote, P.C, Pittsburgh, PA; Shannan Noe Cerrone, LEAD ATTORNEY, Pittsburgh, PA.

For HAJOCA CORPORATION, Cross Claimant: Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA; Robert L Hogan, LEAD ATTORNEY, Rawle & Henderson LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For HAJOCA CORPORATION, Counter Claimant: Julie Nord Friedman, LEAD ATTORNEY, Rawle & Henderson, LLP, The Henry W. Oliver Building, Pittsburgh, PA; Robert L Hogan, LEAD ATTORNEY, Rawle & Henderson LLP, The Henry W. Oliver Building, Pittsburgh, PA.

For ALLIED GLOVE CORPORATION, Counter Defendant: Concetta A. Silvaggio, Willman & Silvaggio, Pittsburgh, PA; Glenn A. Huetter, Jr., Willman & Silvaggio LLP, Pittsburgh, [*60] PA; Joseph D. Silvaggio, Willman & Arnold, Pittsburgh, PA.

For TUTHILL CORPORATION, Counter Defendant: Edward J. Chiodo, LEAD ATTORNEY, Rawle & Henderson LLP, Henry W. Oliver Bldg., Pittsburgh, PA; John C. McMeekin, II, LEAD ATTORNEY, Rawle & Henderson LLP, Philadelphia, PA.

For CBS CORPORATION, f/k/a Viacom, Inc., as Successor by Merger to CBS Corp., a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation, Cross Claimant: Eric L. Horne, LEAD ATTORNEY, Eckert, Seamans, Cherin & Mellott, Pittsburgh, PA.

For HONEYWELL, INC., Cross Claimant: Donald H. Smith, LEWIS, BRISBOIS, BISGAARD & SMITH, LLP, Pittsburgh, PA.

For FIRSTENERGY CORP., Cross Claimant: K. James Sullivan, Calfee, Halter & Griswold LLP, Cleveland, OH.

For EATON CORPORATION, as successor-in-interest to Cutler Hammer, Inc., n/k/a Eaton Electrical Inc., Cross Claimant: Erin Margolin, Patrick Reilly, LEAD ATTORNEYS, Marshall Dennehey Warner Coleman & Goggin, Pittsburgh, PA.

For MCMaster-CARR SUPPLY CO., MCNEIL (OHIO)

CORPORATION, MOYNO, INC., POWER PIPING COMPANY, WT/HRC CORPORATION, ALLIED GLOVE CORPORATION, SUNDYNE, LLC, BMI REFRACTORY SERVICES, INC., ABB, INC., as successor to Brown Boveri (Individually and as successor-in-interest [*61] to ITE IMPERIAL CO f/k/a ITE CIRCUIT BREAKER COMPANY), Cross Claimants: Edward O'Connell, Willman & Silvaggio, LLP, Pittsburgh, PA.

For ZURN INDUSTRIES, GARDNER DENVER, INC., FLOWSERVE US, INC., solely as successor to Nordstrom Audco Inc., Edward Valves inc., Nordstrom Valves, Inc., and Rockwell Manufacturing Company, Counter Claimants: Melissa Devich Cochran, Marshall Dennehey Warner Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For FIRSTENERGY CORP., Counter Defendant: K. James Sullivan, Calfee, Halter & Griswold LLP, Cleveland, OH.

For CERTAINTED CORPORATION, Counter Defendant: Jennifer E. Watson, LEAD ATTORNEY, Wilbraham Lawler & Buba, Pittsburgh, PA.

For FLOWSERVE CORPORATION, Counter Claimant: Edward A. Miller, LEAD ATTORNEY, Steptoe & Johnson PLLC, Canonsburg, PA; Melissa Devich Cochran, LEAD ATTORNEY, Marshall Dennehey Warner Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For GOULD ELECTRONICS, INC., Incorrectly designated by Plaintiff as Gould Electronics, Inc., f/k/a GD-TEK, Inc., Counter Defendant: Christopher H. Jones, McElroy, Deutsch, Mulvaney & Carpenter, LLP, Philadelphia, PA.

For FLOWSERVE US, INC., solely as successor to Nordstrom Audco Inc., Edward [*62] Valves inc., Nordstrom Valves, Inc., and Rockwell Manufacturing Company, Cross Claimant: Deborah A. Beck, Goldfein & Joseph, P.C., Philadelphia, PA; Melissa Devich Cochran, Marshall Dennehey Warner Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For GARDNER DENVER, INC., ZURN INDUSTRIES, Cross Claimants: Melissa Devich Cochran, Marshall Dennehey Warner Coleman & Goggin, Union Trust Building, Pittsburgh, PA.

For UNITED CONVEYOR CORPORATION, Cross Claimant: Jeanne Welch Sopher, Litchfield Cavo LLP, Pittsburgh, PA.

For JOY GLOBAL UNDERGROUND MINING, LLC,

Cross Claimant: Edward A. Miller, Steptoe & Johnson PLLC, Canonsburg, PA.

For FLUOR CORPORATION, FLUOR CONSTRUCTORS INTERNATIONAL, Cross Claimants: Joseph R. Petrina, Zimmer Kunz PLLC, Pittsburgh, PA.

For CRANE COMPANY, INC., Cross Claimant: Michael J. Ross, K&L Gates LLP, K&L Gates Center, Pittsburgh, PA.

For SCHNEIDER ELECTRIC USA, INC., Cross Claimant: Tausha Saunders, Fox Rothschild LLP, Pittsburgh, PA.

For INDUSTRIAL HOLDINGS CORPORATION, Counter Claimant: Joseph R. Schaper, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For VELAN VALVE CORPORATION, FLSMIDTH DORR-OLIVER, INC., as successor-in-interest to Keller/Dorr-Oliver [*63] Boiler Company, Counter Claimants: Joseph R. Schaper, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For VELAN VALVE CORPORATION, FLSMIDTH DORR-OLIVER, INC., as successor-in-interest to Keller/Dorr-Oliver Boiler Company, Counter Defendants: Joseph R. Schaper, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For FOSECO, INC., Counter Claimant: Terry A. Schrock, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Pittsburgh, PA.

For FOSECO, INC., Counter Defendant: Terry A. Schrock, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy LLC, Pittsburgh, PA.

For AURORA PUMP, BLUE M CORPORATION, LINDBERG, Counter Claimants: James P. Hadden, LEAD ATTORNEY, Maron Mavel Bfradley & Anderson, P.A., Philadelphia, PA; Joseph R. Schaper, LEAD ATTORNEY, Maron Marvel Bradley Anderson & Tardy, Pittsburgh, PA.

For STERLING FLUID SYSTEMS (USA), LLC, Cross Claimant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; Katherine A. Lowery, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA; Matthew J. Doz, LEAD ATTORNEY, Swartz Campbell, LLC, Pittsburgh, PA; W. Matthew Reber, LEAD ATTORNEY, Kelley Jasons McGowan Spinelli Hanna & Reber, [*64] Philadelphia, PA.

For UNION CARBIDE CORPORATION, Cross

Claimant: Christopher S. Arnold, LEAD ATTORNEY, Pittsburgh, PA; Eric A. Fischer, Katherine A. Lowery, LEAD ATTORNEYS, Kelley Jasons McGowan Spinelli Hanna & Reber, LLP, Gulf Tower Building, Pittsburgh, PA; James Murray Leety, LEAD ATTORNEY, Lewis Brisbois Bisgaard & Smith, Pittsburgh, PA; Matthew J. Doz, LEAD ATTORNEY, Swartz Campbell, LLC, Pittsburgh, PA; Richard L. Walker, LEAD ATTORNEY, Kelley, Jasons, McGuire & Spinelli, Philadelphia, PA.

For HOWDEN NORTH AMERICA, INC., Cross Claimant: Anne M. McFadden, LEAD ATTORNEY, Riley Hewitt Witte & Romano, PC, Pittsburgh, PA; Sandra L. Alven, LEAD ATTORNEY, Riley, Hewitt, Witte & Romano, P.C., Pittsburgh, PA.

Judges: Hon. WILLIAM S. STICKMAN IV, UNITED STATES DISTRICT JUDGE.

Opinion by: WILLIAM S. STICKMAN IV

Opinion

MEMORANDUM OPINION

Plaintiff Allisa D. Gay ("Plaintiff") sued Defendants Exelon Corp., Exelon Generation Co. and Exelon Nuclear Partners, LLC ("Defendants") and various manufacturers and distributors on October 8, 2019 in the Court of Common Pleas of Allegheny County, Pennsylvania and alleged that Decedent Carl E. Gay ("Decedent") developed mesothelioma from exposure to Defendants' asbestos-containing products. [*65] On October 11, 2019, Defendant General Electric Co. filed a Notice of Removal to the United States District Court for the Western District of Pennsylvania under [28 U.S.C. § 1446](#). Before the Court is Defendants' Motion for Summary Judgment. (ECF No. 907). The Court must determine whether Plaintiff properly identified Defendants as a cause of Mr. Gay's disease and, ultimately, death. For the following reasons, Defendants' Motion is granted in part and denied in part.

I. Background

This case involves an alleged asbestos-related injury because of Mr. Gay's employment in the United States Navy from 1946 to 1958, the United States Air Force from 1958 to 1967, General Electric Co. from 1967 to 1974, Stone and Webster from 1974 to 1989 and from

his automotive work starting in the 1940s. (See ECF Nos. 1-1; 1-2). Mr. Gay was diagnosed with mesothelioma in June 2019. (ECF No. 1-15, ¶ 165; ECF No. 675).

Mr. Gay was deposed over nine days—November 5-7, 11-13, 21-22, 25, 2019—and identified various manufacturers, suppliers and users of asbestos products. Mr. Gay died on April 12, 2020. (ECF No. 1-15, ¶ 165; ECF No. 675). His daughter, Allisa D. Gay, was named executor of her father's estate and filed an Amended Complaint [*66] on August 13, 2020. (ECF No. 692). Allisa Gay was substituted as Plaintiff. (*Id.*).

II. Relevant Facts

Plaintiff alleges that Mr. Gay developed mesothelioma from exposure to asbestos fibers from two power stations owned by Defendants: Nine Mile Point Power Station and Limerick Power Plant. Mr. Gay began working for Stone & Webster in 1974 and remained with the company until 1989. (ECF No. 908-1, p. 3). While under the employment of Stone & Webster, Mr. Gay worked at both power stations. (*Id.* at 5, 7-8). He worked as a Field Quality Control Supervisor overseeing structural and electrical inspections. (*Id.* at 8-11). In January 1979, he was promoted to Superintendent of Quality Control and oversaw the Quality Control group. (*Id.* at 11). In his role, Mr. Gay recorded the work in progress and recommended inspectors for nondestructive testing, which included x-rays, ultrasonic, dye tests and magnetic inspections. (*Id.* at 12-14). Mr. Gay rarely accompanied the inspectors but at times entered the field to observe the inspections. (*Id.* at 13). Mr. Gay saw subcontractors install pipe covers at the Nine Mile Plant Unit 2. (*Id.* at 15). Mr. Gay, although he did not recall a specific instance, believed [*67] he was exposed to asbestos-containing products that were being used and installed at these facilities. (*Id.* at 1820).

Mr. Gay worked at the Nine Mile Power Plant from 1977 to 1981. During that time, workers installed piping, and Mr. Gay testified he was often near the millwrights who installed that equipment. (ECF No. 946-2, p. 4). He worked closely with contractors who handled and installed Flexitallic gaskets on the piping system. (*Id.* at 6).

42

Q. Okay. You talked about the insulation and the electrical workers, and you—you were telling us about the various categories of trades that were

there, and you said that there were millwrights there.

A. Yes.

Q. What kind of work did the millwrights do?

A. They install pumps, that type equipment.

Q. Did you have occasion to work around them?

A. Yes.

Q. What sorts of duties brought you in proximity to the millwrights?

A. Well, you were in close proximity—well, especially when you were doing inspection. I think—I explained before. When you were taking alignment of

43

the shafts on the pumps, they would have to disconnect them, so they would be there doing their work while we were doing ours—or doing their work so we could do ours.

Q. Was that something [*68] that happened frequently at the Nine Mile facility?

A. Yes.

(ECF No. 946-2, p. 4). Later, he provided testimony about the workers' use of Flexitallic gaskets.

44

Q. Okay. Earlier in your deposition, you've talked about gaskets and packing. Were you exposed to those products at Nine Mile?

MR. HUETTER: Objection.

MR. BRYSON: Objection

MR. BRUNI: Object to form.

MS. COX: Objection.

MS. BERTIN: Objection. Foundation.

THE WITNESS: Frequently. I mean—I mean not frequently. Most of the equipment is new. It doesn't need packing, what have you. So the only thing that you would be around from time to time is when the—they were installing gaskets.

MR. McLEIGH: Okay.

THE WITNESS: I repeat before, I think, during the piping installation, we have to flush the piping, have to do hydrostatic tests on it. So they install a section of piping and flush it. Then it's okay for them to install another

45

part. And from time to time, those two sections

would be joined by a flange. And we would be there when they were joining that up to make sure that cleanliness was carried out.

BY MR. McLEIGH:

Q. Okay. Were there gaskets associated, typically, with those kinds of flanges?

A. Yes.

Q. What kinds of gaskets?

A. Flexitallics. [*69] Sometimes on a smaller system, you would have just regular flat, sheet-type gaskets.

Q. Did you observe workers removing old Flexitallic gaskets and replacing them with new Flexitallic gaskets when you were doing your observations of the hydrostatic testing?

MR. BRUNT: Objection to form.

MS. BERTIN: Object to form.

THE WITNESS: No.

BY MR. McLEIGH:

Q. Okay. How is it that you know that those-those flanges required Flexitallic gaskets?

A. How do I know?

Q. Uh-huh.

46

A. Because the spec tells you that.

Q. Okay. Did you actually see them in place in the field?

A. Yes.

Q. Whenever—you were telling us about how they'd have to separate the sections and then join them back together as part of that hydrostatic testing.

A. Yes.

Q. How close would you be when they were doing that work?

A. You'd be right there.

Q. Right next to them?

A. Yes.

(*Id.* at 4-5).

Mr. Gay testified about his work generally, which included being around welders using welding blankets. He testified that he believed the welding blankets contained asbestos. He did not know who manufactured the blankets. (ECF No. 946-3, p. 2).

Mr. Gay provided testimony about his time at the Limerick Power Station.

55

Q. Do you believe you were exposed to **asbestos** [*70] at the Limerick plant?

MR. HUETTER: Objection.

MS. BERTIN: Object to form. Lack of foundation.

THE WITNESS: Probably, because the job that I had—each one of us was assigned a—a certain section of the plant or components to look at. And one of mine was the heating, ventilation, air-conditioning, and to assist the piping people in their inspection. And you had to crawl everywhere. You had to look at everything on that equipment to make sure that it had been installed according to specs. And it was a

56

dirty, dusty job that you didn't really want.

Plaintiff provided the interrogatory answers of Flexitallic. Flexitallic gaskets contained **asbestos** from 1912 to 1992. The material was a mixture of 90% **asbestos** and 10% other ingredients. (ECF No. 946-4).

Exelon Generation Co. argues that neither Exelon Corp. nor Exelon Nuclear Partners currently or ever operated, owned or controlled the Limerick Power Station or the Nine Mile Power Plant. (ECF No. 946-10, pp. 1-2).

Plaintiffs hygiene expert offered that mesothelioma can occur in cases with low **asbestos** exposure and that Mr. Gay's potential exposure at either plant would put him at risk for developing the disease. (ECF No. 946-11).

III. Standard of [*71] Review

Summary judgment is warranted if the Court is satisfied that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Celotex Corp. v. Cattrett, 477 U.S. 317, 322 (1986). A fact is material if it must be decided to resolve the substantive claim or defense to which the motion is directed. In other words, there is a genuine dispute of material fact "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). The Court must view the evidence presented in the light most favorable to the nonmoving party. Id. at 255. It refrains from making credibility determinations or weighing evidence. Id. "Real questions about credibility, gaps in the evidence, and doubts as to the sufficiency of the movant's proof" will defeat a motion for summary judgment. El v. Se. Pa.

Transp. Auth., 479 F.3d 232, 238 (3d Cir. 2007).

IV. Applicable Law

A. The Court Will Apply Pennsylvania Law.

The parties agree that Pennsylvania substantive law applies. For that reason, the Court will apply Pennsylvania law in evaluating Defendants' Motion for Summary Judgment. See Erie R.R. Co. v. Tompkins, 304 U.S. 64 (1938); see also Guar. Trust Co. v. York, 326 U.S. 99, 108 (1945).

B. Causation Standard

Before imposing liability on a defendant in a product liability action, Pennsylvania law requires a plaintiff to show not only that the [*72] plaintiff was exposed to a defective product manufactured or sold by the defendant but that the plaintiffs exposure was a substantial factor in causing the plaintiffs injury. Richards v. Raymark Indus. Inc., 660 F. Supp. 599 (E.D. Pa. 1987); Gregg v. V-J Auto Parts Co., 943 A.2d 216, 224-26 (Pa. 2007); accord Robertson v. Allied Signal Inc., 914 F.2d 360, 375 (3rd Cir. 1990) (applying Pennsylvania law). The Pennsylvania Supreme Court held in **asbestos** litigation that "it is appropriate for courts, at the summary judgment stage, to make a reasoned assessment concerning whether, in the light of the evidence concerning frequency, regularity, and proximity of a plaintiffs or decedent's asserted exposure, a jury would be entitled to make the necessary inference of a sufficient causal connection between defendant's product and the asserted injury." Gregg, 943 A.2d at 226-27 (adopting the frequency, regularity and proximity standard in **asbestos** cases). As a result, a plaintiff must prove he was exposed to **asbestos** from a defendant's product with sufficient frequency, regularity and proximity so that a jury could make the necessary inference of an adequate causal connection between that product and the asserted injury. Id. at 227.

As for proximity, a plaintiff cannot merely show that the product was present at the plaintiffs workplace; he must present evidence to establish that the plaintiff inhaled **asbestos** fibers [*73] of the specific product of a manufacturer. Kardos v. Armstrong Pumps, Inc., 222 A.3d 393, 399 (Pa. Super. 2019); Gutteridge v. A.P. Green Services, Inc., 804 A.2d 643, 652 (Pa. Super. 2002), appeal denied, 829 A.2d 1158 (2003).

V. ANALYSIS

Defendants move for summary judgment because they are not liable for injuries caused by **asbestos** products because Plaintiff did not properly identify their products. (ECF No. 871, p. 2). Defendants argue that Plaintiff failed to produce sufficient evidence to satisfy her burden of showing that Mr. Gay was exposed to **asbestos** fibers of any product manufactured, distributed or supplied by Defendants. (*Id.*).

"At the heart of an **asbestos** case is at least product identification—that is, a plaintiff cannot triumph against a manufacturer unless he shows that the victim came across the manufacturer's product and that the product caused his injury." [Mehnert v. Agilent Techs., Inc., No. CV 18-893, 2020 WL 1493542 \(W.D. Pa. Mar. 27, 2020\)](#) (quoting [Walker v. Blackmer Pump Co., 367 F. Supp. 3d 360, 372 \(E.D. Pa. 2019\)](#)). Such an inquiry is "fact-intensive." *Id.*

For Plaintiff to defeat Defendants' Motion for Summary Judgment, Plaintiff must show not only that Mr. Gay was exposed to **asbestos**-containing products with sufficient proximity, regularity and frequency to cause his injuries but also that the **asbestos** products to which Plaintiff claims exposure were manufactured, distributed or sold by Defendants. [Eckenrod v. GAF Corp., 544 A.2d 50, 53 \(Pa. Super. 1988\)](#); see also [Wilson v. A.P. Green Indus., 807 A.2d 922, 924 \(Pa. Super. 2002\)](#) ("Ideally, a plaintiff or a witness will be able to directly testify [*74] that plaintiff breathed in **asbestos** fibers and that those fibers came from defendant's product."). The Court has a "duty to prevent questions from going to the jury which would require it to reach a verdict based on conjecture, surmise, guess or speculation." [Krauss v. Trane, 104 A.3d 556, 568 \(Pa. Super. 2014\)](#) (citation omitted).

A. Defendants' Motion for Summary Judgment Is Granted Regarding Mr. Gay's Exposure at the Limerick Power Station.

Defendants argue that Plaintiff did not supply evidence that Mr. Gay worked around **asbestos**-containing products at the Limerick Power Station. Mr. Gay's duties at Limerick included reinspecting one unit of the power station in 1987 for four or five months. (ECF No. 9791, pp. 7-8). The plant was not operational, and no other contractors were present while Stone & Webster was there. (*Id.* at 9-10). His job was to inspect portions of the HVAC system as well as piping to ensure that the

installations conformed to the blueprints. (*Id.* at 11-12). Any insulation, if it had been disturbed, was removed before he was present. (*Id.*). He had no information on whether the insulation or piping insulation contained **asbestos**. (*Id.* at 14). He testified that there was never an instance when anything was disassembled [*75] at Limerick for him to do his job. (*Id.*).

Plaintiff failed to offer other evidence that Mr. Gay was exposed to **asbestos**-containing products at the Limerick Power Station. Plaintiff did not prove that any materials Mr. Gay encountered contained **asbestos**. Even if any of the materials contained **asbestos**, Plaintiff did not show Mr. Gay was near **asbestos**-containing products with sufficient frequency, regularity and proximity. For these reasons, the Court grants Defendants' Motion for Summary Judgment as for all counts related to the Limerick Power Station.

B. Defendants' Motion for Summary Judgment Will Be Denied Regarding Mr. Gay's Exposure at the Nine Mile Power Plant.

Defendants argue Plaintiff's evidence does not show Mr. Gay was exposed to **asbestos** at the Nine Mile Power Plant. Mr. Gay testified during his deposition that he believed he had been exposed to **asbestos** from gaskets. (ECF No. 979-1, pp. 4-6). He did not work hands-on with these gaskets and did not recall any specific instance when he was near another working with these gaskets. (*Id.*). Mr. Gay identified that he was near workers installing Flexitallic gaskets at some point and that he was within six feet of those installing [*76] the gaskets. Through unrelated depositions, Plaintiff showed that Flexitallic used **asbestos** in its gaskets until 1992. The record remains unclear whether Mr. Gay was exposed to Flexitallic with sufficient frequency or regularity. Because a genuine issue of material fact remains, Defendants' Motion for Summary Judgment as for Mr. Gay's potential **asbestos** exposure at the Nine Mile Plant is denied.

Although the Defendants are not product manufacturers, Mr. Gay identified potential **asbestos** exposure at the Nine Mile Power Plant, which one of the Exelon companies controlled. Because he was able to do so, Defendants may be liable for the exposure under other theories. Defendants did not waive their right to protect themselves under premise defendant theories. (ECF No. 908, p. 1). From this point forward, the Court will narrow its focus on Defendants and Mr. Gay's alleged exposure to **asbestos**-containing products at the Nine

Mile Power Plan.

VI. Conclusion

The Court finds that some genuine issues of material fact remain. As a result, Defendants' Motion for Summary Judgment is granted in part and denied. An Order of Court will follow.

BY THE COURT:

/s/ William S. Stickman IV

WILLIAM S. STICKMAN IV [*77]

UNITED STATES DISTRICT JUDGE

6/17/21

Dated

ORDER OF COURT

AND NOW, this 17 day of June 2021, IT IS HEREBY ORDERED for the reasons set forth in the Memorandum Opinion filed this day, Defendants Exelon Corp., Exelon Generation Co. and Exelon Nuclear Partners, LLC's Motion for Summary Judgment (ECF No. 907) is GRANTED in part and DENIED in part.

BY THE COURT:

/s/ William S. Stickman IV

WILLIAM S. STICKMAN IV

UNITED STATES DISTRICT JUDGE