

Marsh v. Cont'l Ins. Co.

United States District Court for the Eastern District of Louisiana

April 12, 2023, Decided; April 12, 2023, Filed

CIVIL ACTION NO: 19-9339; 21-2185 SECTION: "T" (4)

Reporter

2023 U.S. Dist. LEXIS 63837 *

CYNTHIA MARSH as Administrator for the Estate of HARRY F. MARSH VERSUS THE CONTINENTAL INSURANCE COMPANY, individually and as successor in interest to Marine Office of America Corp.,

Core Terms

discovery, deposition, protective order, requests, Documents, request for admission, motion to compel, argues

Counsel: [*1] For Harry F. Marsh, Plaintiff (2:19cv9339): Meredith Kay Clark, LEAD ATTORNEY, Motley Rice, LLC (Mount Pleasant), Mt. Pleasant, SC USA; Andrew D. Weinstock, Duplass, APLC, Metairie, LA USA; Damon R. Pourciau, Pourciau Law Firm, LLC, Baton Rouge, LA USA; John Freeman Herrick, Duplass, APLC, Metairie, LA USA; John David Hurst, PRO HAC VICE, Motley Rice LLC, Morgantown, WV USA; Stephanie Moore Hartman, Griffin & Bivalacqua LLC, New Orleans, LA USA.

For Cynthia Joy Marsh, Surviving heir of Harry F. Marsh |, Plaintiff (2:19cv9339): Meredith Kay Clark, LEAD ATTORNEY, Motley Rice, LLC (Mount Pleasant), Mt. Pleasant, SC USA; Andrew D. Weinstock, Duplass, APLC, Metairie, LA USA; Damon R. Pourciau, Pourciau Law Firm, LLC, Baton Rouge, LA USA; John E. Herrick, PRO HAC VICE, Motley Rice, LLC, Mount Pleasant, SC USA; John Freeman Herrick, Duplass, APLC, Metairie, LA USA; John David Hurst, PRO HAC VICE, Motley Rice LLC, Morgantown, WV USA; Nathan David Finch, PRO HAC VICE, Motley Rice, LLC, Washington, DC USA; Stephanie Moore Hartman, Griffin & Bivalacqua LLC, New Orleans, LA USA.

For Cynthia Marsh, Consol Plaintiff (2:19cv9339): Meredith Kay Clark, LEAD ATTORNEY, Motley Rice, LLC (Mount Pleasant), [*2] Mt. Pleasant, SC USA; Andrew D. Weinstock, Duplass, APLC, Metairie, LA USA; John E. Herrick, PRO HAC VICE, Motley Rice, LLC, Mount Pleasant, SC USA; John Freeman Herrick,

Duplass, APLC, Metairie, LA USA; John David Hurst, PRO HAC VICE, Motley Rice LLC, Morgantown, WV USA.

For Huntington Ingalls Incorporated, formerly known as | Northrop Grumman Shipbuilding, Inc. | formerly known as | Northrop Grumman Ship Systems, Inc. | formerly known as | Avondale Industries, Inc. | formerly known as | Avondale Shipyards, Inc |, Defendant (2:19cv9339): Gustave A. Fritchie, III, LEAD ATTORNEY, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Alexander R Saunders, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Alison A. Spindler, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Michael Melancon, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Wayne O'Quinn, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Diana J Masters, Irwin Fritchie Urquhart Moore & Daniels LLC, New Orleans, LA USA; Edward Winter Trapolin, Irwin Fritchie Urquhart & Moore, LLC, New Orleans, LA USA; [*3] Michael Scott Minyard, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Michael Kevin Powell, Irwin Fritchie Urquhart Moore & Daniels, New Orleans, LA USA; Timothy Farrow Daniels, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA.

For Anco Insulations Inc, Defendant, Consol Third Party Defendant (2:19cv9339): Margaret M. Joffe, LEAD ATTORNEY, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA; Kenan S. Rand, Jr, Cosmich Simmons & Brown, PLLC, New Orleans, LA USA; Shelley L. Thompson, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA.

For A.W. Chesterton Company, Defendant (2:19cv9339): Glenn Lyle Maximilian Swetman, LEAD ATTORNEY, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Bradley A. Hays, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Brandie Mendoza Thibodeaux, Manning Gross Massenburg,

New Orleans, LA USA; Danielle M.S. Riera, Manning Gross & Massenburg, New Orleans, LA USA; Mary A. Reed, MG+M Law Firm, LLP, New Orleans, LA USA.

For Bayer Cropscience, Inc., As successor to Rhone-Poulenc AG Company | formerly known as | Amchem Products, Inc. | formerly known as | Benjamin Foster Co |, Union Carbide Corporation, Defendants, [*4] Cross Defendants (2:19cv9339): McGready Lewis Richeson, LEAD ATTORNEY, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Francis Xavier deBlanc, III, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Kathleen Jordan Brien, McGlinchey Stafford, Houston, TX USA; Milele N. St. Julien, Pugh Accardo Haas Radecker & Carey, New Orleans, LA USA.

For CBS Corporation, a Delaware corporation, f/k/a Viacom, Inc., successor by merger to CBS Corporation, a Pennsylvania corporation, f/k/a Westinghouse Electric Corporation |, Defendant (2:19cv9339): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; James H. Brown, Jr., Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Lacey Moghis, Huber Thomas, New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For William Claudy Harrison, Jr., Deutsch Kerrigan & Stiles LLP (New Orleans), New Orleans, LA USA.

For Foster Wheeler Corporation, Defendant (2:19cv9339): John [*5] Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; James H. Brown, Jr., Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Lacey Moghis, Huber Thomas, New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For Ingersoll-Rand Company, Defendant (2:19cv9339): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; James H. Brown, Jr., Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Lacey Moghis, Huber Thomas, New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA.

For LGS Technologies, formerly known as | Longhorn Gasket and Supply |, Defendant (2:19cv9339): Brett F. Willie, LEAD ATTORNEY, Ungarino & Maldonado, LLC, Metairie, LA USA; Kevin John Webb, Litchfield Cavo LLP, Mandeville, LA USA.

For Chas Kurz & Co Inc, Chiquita Brands International, Inc., individually [*6] and as successor in interest to United Fruit Company |, Farrell Lines, individually and as successor in interest to American Export Lines, Inc. |, National Bulk Carriers, Inc, Defendants, Consol Third Party Defendants, Cross Defendants, Consol Cross Defendants (2:19cv9339): Kevin J. LaVie, LEAD ATTORNEY, Phelps Dunbar, LLP (New Orleans), New Orleans, LA USA.

For Dixie Machine Welding & Metal Works, Inc., Defendant (2:19cv9339): David Joseph Bourgeois, LEAD ATTORNEY, Duplass, Zwain, Bourgeois, Pfister, Weinstock & Bogart, Metairie, LA USA; Jade Marguerite Wandell, Taylor Wellons Politz & Duhe, New Orleans, LA USA; Ryan M. Malone, Duplass, APLC, Metairie, LA USA.

For Grefco, Inc., Defendant (2:19cv9339): Kaye N. Courington, LEAD ATTORNEY, Courington, Kiefer & Sommers, LLC, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; James Matthew Matherne, Courington, Kiefer & Sommers, LLC, New Orleans, LA USA.

For Viking Pump Inc, Improperly Named as IDEX Corporation (f/k/a Viking Pump, Inc.) |, Defendant (2:19cv9339): Kaye N. Courington, LEAD ATTORNEY, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Colin Felicien [*7] Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; James Matthew Matherne, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Troy Nathan Bell, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

For BP Products North American Inc, Defendant (2:19cv9339): Janet Wessler Marshall, LEAD ATTORNEY, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Aaron Benjamin Greenbaum, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Jacques P. DeGruy, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Salvador Joseph Pusateri, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA.

For Zurich American Insurance Company, As Successor by Merger to Meryland Casualty Company |, Defendant

(2:19cv9339): Edward T. Hayes, LEAD ATTORNEY, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA; Lee M. LeBouef, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA; Marc E. Devenport, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA.

For Aldrich Pump LLC, formerly known as | Ingersoll Rand Company |, Defendant (2:19cv9339): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., [*8] New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Lacey Moghis, Huber Thomas, New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For Continental Insurance Company, Consol Defendant (2:19cv9339): Paula Marcello Wellons, LEAD ATTORNEY, Taylor, Wellons, Politz & Duhe APLC, New Orleans, LA USA; Francis Christopher Cannone, Taylor Wellons Politz & Duhe, New Orleans, LA USA; Paul Jeffrey Verlander, Taylor, Wellons, Politz & Duhe, APLC, New Orleans, LA USA; Samantha Paula Griffin, Taylor, Wellons, Politz & Duhe, APLC, New Orleans, LA USA.

For Sank Inc, Consol Defendant (2:19cv9339): Lawrence Pugh, III, LEAD ATTORNEY, Pugh Accardo Haas Radecker & Carey, New Orleans, LA USA; Beverly M. Klundt, Pugh Accardo Haas Radecker & Carey L.L.P., New Orleans, LA USA; Jacqueline Romero, Pugh Accardo Haas Radecker and Carey, New Orleans, LA USA.

For Huntington Ingalls Incorporated, formerly known as | Northrop Grumman Shipbuilding, Inc. | agent of | Northrop Grumman Ship Systems, Inc. | formerly known [*9] as | Avondale Industries, Inc. | formerly known as | Avondale Shipyards, Inc |, Third Party Plaintiff (2:19cv9339): Gustave A. Fritchie, III, LEAD ATTORNEY, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Alexander R Saunders, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Michael Melancon, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Wayne O'Quinn, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Diana J Masters, Irwin Fritchie Urquhart Moore & Daniels LLC, New Orleans, LA USA; Michael Kevin Powell, Irwin Fritchie Urquhart Moore & Daniels, New Orleans, LA USA; Timothy Farrow Daniels, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA.

For Continental Insurance Company, Consol Third Party Plaintiff (2:19cv9339): Paula Marcello Wellons, LEAD ATTORNEY, Taylor, Wellons, Politz & Duhe APLC, New Orleans, LA USA; Francis Christopher Cannone, Taylor Wellons Politz & Duhe, New Orleans, LA USA; Paul Jeffrey Verlander, Taylor, Wellons, Politz & Duhe, APLC, New Orleans, LA USA; Samantha Paula Griffin, Taylor, Wellons, Politz & Duhe, APLC, New Orleans, LA USA.

[*10] For Huntington Ingalls Incorporated, Consol Third Party Plaintiff (2:19cv9339): Gustave A. Fritchie, III, LEAD ATTORNEY, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Alexander R Saunders, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Michael Melancon, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Diana J Masters, Irwin Fritchie Urquhart Moore & Daniels LLC, New Orleans, LA USA; Laura Ashleigh Leggette, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Michael Kevin Powell, Irwin Fritchie Urquhart Moore & Daniels, New Orleans, LA USA; Timothy Farrow Daniels, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA.

For Uniroyal Inc, Third Party Defendant (2:19cv9339): Amy Louise Maccherone, Forman, Watkins & Krutz LLP (New Orleans), New Orleans, LA USA; Mary Reeves Arthur, Forman, Watkins & Krutz LLP (New Orleans), New Orleans, LA USA.

For Eagle Inc, Third Party Defendant (2:19cv9339): Susan Beth Kohn, LEAD ATTORNEY, Simon, Peragine, Smith & Redfearn, LLP (New Orleans), New Orleans, LA USA; Douglas Kinler, Simon, Peragine, Smith & Redfearn, LLP (New Orleans), New Orleans, LA USA; James R. Guidry, Lugenbuhl, Wheaton, Peck, Rankin, & Hubbard, New Orleans, LA USA; Louis Oliver Oubre, Courington, Kiefer, Sommers, Marullo & Matherne, LLC, New Orleans, LA USA.

For Uniroyal Holding, Inc., Doc. 90 |, Third Party Defendant (2:19cv9339): Mary Reeves Arthur, LEAD ATTORNEY, Forman, Watkins & Krutz LLP (New Orleans), New Orleans, LA USA; Amber L. Stewart, Forman Watkins & Krutz LLP, Jackson, MS USA; Amy Louise Maccherone, Forman, Watkins & Krutz LLP (New Orleans), New Orleans, LA USA.

For Redco Corporation, Consol Third Party Defendant (2:19cv9339): Lawrence Pugh, III, LEAD ATTORNEY, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA; Jacqueline Romero, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA.

Orleans), New Orleans, LA USA.

For Paramount Global, Aldrich Pump LLC, CBS Corporation, Foster Wheeler LLC, General Electric Company, Aldrich Pump LLC, CBS Corporation, Foster Wheeler LLC, General Electric Company, Consol Third Party Defendants (2:19cv9339): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA [*12] USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For A.W. Chesterton Company, Consol Third Party Defendant (2:19cv9339): Glenn Lyle Maximilian Swetman, LEAD ATTORNEY, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Brandie Mendoza Thibodeaux, Manning Gross Massenburg, New Orleans, LA USA; Danielle M.S. Riera, Manning Gross & Massenburg, New Orleans, LA USA.

For BP Products North America, Inc., Consol Third Party Defendant (2:19cv9339): Janet Wessler Marshall, LEAD ATTORNEY, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Aaron Benjamin Greenbaum, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Jacques P. DeGruy, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Salvador Joseph Pusateri, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA.

For Crane Company, Consol Third Party Defendant (2:19cv9339): Lawrence Pugh, III, LEAD ATTORNEY, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA; Jacqueline Romero, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA.

For Grefco, Inc., Consol Third Party Defendant (2:19cv9339): James Matthew Matherne, [*13] LEAD ATTORNEY, Courington, Kiefer & Sommers, LLC, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Troy Nathan Bell, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

For Huntington Ingalls Incorporated, Consol Third Party Defendant (2:19cv9339): Gustave A. Fritchie, III, LEAD ATTORNEY, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Alexander R Saunders, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Michael Melancon, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Diana J Masters, Irwin

Fritchie Urquhart Moore & Daniels LLC, New Orleans, LA USA; Laura Ashleigh Leggette, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Michael Kevin Powell, Irwin Fritchie Urquhart Moore & Daniels, New Orleans, LA USA; Timothy Farrow Daniels, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA.

For LGS Technologies, Consol Third Party Defendant (2:19cv9339): Kevin John Webb, LEAD ATTORNEY, Litchfield Cavo LLP, Mandeville, LA USA.

For Zurich American Insurance Company, Consol Third Party Defendant [*14] (2:19cv9339): Edward T. Hayes, LEAD ATTORNEY, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA; Marc E. Devenport, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA.

For A.W. Chesterton Company, Consol Third Party Defendant (2:19cv9339): Glenn Lyle Maximilian Swetman, LEAD ATTORNEY, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Brandie Mendoza Thibodeaux, Manning Gross Massenburg, New Orleans, LA USA; Danielle M.S. Riera, Manning Gross & Massenburg, New Orleans, LA USA.

For BP Products North American Inc, Consol Third Party Defendant (2:19cv9339): Janet Wessler Marshall, LEAD ATTORNEY, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Aaron Benjamin Greenbaum, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Jacques P. DeGruy, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Salvador Joseph Pusateri, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA.

For Crane Company, Consol Third Party Defendant (2:19cv9339): Lawrence Pugh, III, LEAD ATTORNEY, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA; Jacqueline Romero, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA.

For Grefco, Inc., Consol [*15] Third Party Defendant (2:19cv9339): James Matthew Matherne, LEAD ATTORNEY, Courington, Kiefer & Sommers, LLC, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Troy Nathan Bell, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

For Huntington Ingalls Incorporated, Consol Third Party Defendant (2:19cv9339): Gustave A. Fritchie, III, LEAD ATTORNEY, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Alexander R

Saunders, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Michael Melancon, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Diana J Masters, Irwin Fritchie Urquhart Moore & Daniels LLC, New Orleans, LA USA; Laura Ashleigh Leggette, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Michael Kevin Powell, Irwin Fritchie Urquhart Moore & Daniels, New Orleans, LA USA; Timothy Farrow Daniels, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA.

For LGS Technologies, Consol Third Party Defendant (2:19cv9339): Kevin John Webb, Litchfield Cavo LLP, Mandeville, LA USA.

For Zurich American Insurance **[*16]** Company, Consol Third Party Defendant (2:19cv9339): Edward T. Hayes, LEAD ATTORNEY, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA; Marc E. Devenport, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA.

For Viking Pump Inc, Consol Third Party Defendant (2:19cv9339): James Matthew Matherne, LEAD ATTORNEY, Courington, Kiefer & Sommers, LLC, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Troy Nathan Bell, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

For Huntington Ingalls Incorporated, formerly known as | Northrop Grumman Shipbuilding, Inc. | agent of | Northrop Grumman Ship Systems, Inc. | formerly known as | Avondale Industries, Inc. | formerly known as | Avondale Shipyards, Inc |, Cross Claimant (2:19cv9339): Gustave A. Fritchie, III, LEAD ATTORNEY, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Alexander R Saunders, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Michael Melancon, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Wayne O'Quinn, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), **[*17]** New Orleans, LA USA; Diana J Masters, Irwin Fritchie Urquhart Moore & Daniels LLC, New Orleans, LA USA; Edward Winter Trapolin, Irwin Fritchie Urquhart & Moore, LLC, New Orleans, LA USA; Michael Kevin Powell, Irwin Fritchie Urquhart Moore & Daniels, New Orleans, LA USA; Timothy Farrow Daniels, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA.

For Huntington Ingalls Incorporated, Consol Cross Claimant (2:19cv9339): Gustave A. Fritchie, III, LEAD

ATTORNEY, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Alexander R Saunders, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Michael Melancon, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Diana J Masters, Irwin Fritchie Urquhart Moore & Daniels LLC, New Orleans, LA USA; Laura Ashleigh Leggette, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Michael Kevin Powell, Irwin Fritchie Urquhart Moore & Daniels, New Orleans, LA USA; Timothy Farrow Daniels, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA.

For A.W. Chesterton Company, Cross Defendant (2:19cv9339): Glenn Lyle Maximilian Swetman, LEAD **[*18]** ATTORNEY, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Bradley A. Hays, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Brandie Mendoza Thibodeaux, Manning Gross Massenburg, New Orleans, LA USA; Danielle M.S. Riera, Manning Gross & Massenburg, New Orleans, LA USA; Mary A. Reed, MG+M Law Firm, LLP, New Orleans, LA USA.

For Crane Company, Cross Defendant (2:19cv9339): Lawrence Pugh, III, LEAD ATTORNEY, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA; Donna M. Young, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA; Jacqueline Romero, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA; Shelley L. Thompson, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA.

For Crescent Materials Service Inc, Cross Defendant (2:19cv9339): Jennifer E. Adams, LEAD ATTORNEY, Deutsch Kerrigan & Stiles LLP (New Orleans), New Orleans, LA USA; Amber Barlow Garcia, Deutsch Kerrigan, LLP, New Orleans, LA USA; Barbara Bourgeois Ormsby, Deutsch Kerrigan & Stiles LLP (New Orleans), New Orleans, LA USA; William Claudy Harrison, Jr., Deutsch Kerrigan & Stiles LLP (New Orleans), New Orleans, LA USA.

For Hopeman Brothers Inc, Cross Defendant (2:19cv9339): Kaye N. Courington, LEAD ATTORNEY, **[*19]** Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Blaine Augusta Moore, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Brittney Bullock Ankersen, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Jeffrey Matthew Burg, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Mathilde Villere Semmes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA

USA; Troy Nathan Bell, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

For International Paper Company, formerly known as | Champion International Corp. | formerly known as | U.S. Plywood Corporation |, Cross Defendant (2:19cv9339): Walter G. Watkins, III, LEAD ATTORNEY, Forman, Watkins, & Krutz, LLP (Jackson), Jackson, MS USA; Elizabeth Riddell Penn, Forman Watkins & Krutz LLP, New Orleans, LA USA; Mary Reeves Arthur, Forman, Watkins & Krutz LLP (New Orleans), New Orleans, LA USA; Thomas Peyton Smith, Forman, Watkins & Krutz LLP (New Orleans), New Orleans, LA USA.

For John Crane Inc, Cross Defendant (2:19cv9339): Glenn Lyle Maximilian Swetman, LEAD ATTORNEY, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Amanda Luella Deto, [*20] MG+M The Law Firm (New Orleans), New Orleans, LA USA; Bradley A. Hays, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Brandie Mendoza Thibodeaux, Manning Gross Massenburg, New Orleans, LA USA; Christopher O. Massenburg, Manning Gross and Massenburg LLP, New Orleans, LA USA; Danielle M.S. Riera, Manning Gross & Massenburg, New Orleans, LA USA; Jeanette Seraile-Riggins, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Meghan B. Senter, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Natasha Amber Corb, MG+M The Law Firm (New Orleans), New Orleans, LA USA.

For LGS Technologies, formerly known as | Longhorn Gasket and Supply |, Cross Defendant (2:19cv9339): Kevin John Webb, Litchfield Cavo LLP, Mandeville, LA USA.

For Metropolitan Life Insurance Company, Cross Defendant (2:19cv9339): Jay Morton Jalenak, Jr., LEAD ATTORNEY, Kean Miller, LLP (Baton Rouge), Baton Rouge, LA USA; Patrick Dale Roquemore, Kean Miller, LLP (Baton Rouge), Baton Rouge, LA USA.

For Owens Illinois Inc, doing business as | O-I |, Cross Defendant (2:19cv9339): Walter G. Watkins, III, LEAD ATTORNEY, Forman, Watkins, & Krutz, LLP (Jackson), Jackson, MS USA; Elizabeth Riddell Penn, Forman Watkins & Krutz [*21] LLP, New Orleans, LA USA; Mary Reeves Arthur, Forman, Watkins & Krutz LLP (New Orleans), New Orleans, LA USA; Thomas Peyton Smith, Forman, Watkins & Krutz LLP (New Orleans), New Orleans, LA USA.

For Taylor-Seidenbach, Inc., Cross Defendant (2:19cv9339): Christopher Kelly Lightfoot, LEAD ATTORNEY, Hailey, McNamara, Hall, Larmann & Papale, LLP (Metairie), Metairie, LA USA; Edward J.

Lassus, Jr., Hailey, McNamara, Hall, Larmann & Papale, LLP (Metairie), Metairie, LA USA; Richard J. Garvey, Jr., Hailey, McNamara, Hall, Larmann & Papale, LLP (Metairie), Metairie, LA USA.

For McCarty Corporation, Cross Defendant (2:19cv9339): Susan Beth Kohn, LEAD ATTORNEY, Simon, Peragine, Smith & Redfearn, LLP (New Orleans), New Orleans, LA USA; Douglas Kinler, Simon, Peragine, Smith & Redfearn, LLP (New Orleans), New Orleans, LA USA; James R. Guidry, Lugenbuhl, Wheaton, Peck, Rankin, & Hubbard, New Orleans, LA USA; Louis Oliver Oubre, Courington, Kiefer, Sommers, Marullo & Matherne, LLC, New Orleans, LA USA.

For Dixie Machine Welding & Metal Works, Inc., Cross Defendant (2:19cv9339): Jade Marguerite Wandell, LEAD ATTORNEY, Taylor Wellons Politz & Duhe, New Orleans, LA USA.

For Goulds Pumps LLC, Cross Defendant [*22] (2:19cv9339): Lauren Ann McCulloch Semlinger, LEAD ATTORNEY, Morgan, Lewis & Bockius (Houston), Houston, TX USA; Mitchell F Tedesco, Morgan, Lewis & Bockius LLP, Los Angeles, CA USA.

For Grefco, Inc., Cross Defendant (2:19cv9339): Kaye N. Courington, LEAD ATTORNEY, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; James Matthew Matherne, Courington, Kiefer & Sommers, LLC, New Orleans, LA USA.

For Redco Corporation, Consol Cross Defendant (2:19cv9339): Lawrence Pugh, III, LEAD ATTORNEY, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA; Jacqueline Romero, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA.

For A.W. Chesterton Company, Consol Cross Defendant (2:19cv9339): Glenn Lyle Maximilian Swetman, LEAD ATTORNEY, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Brandie Mendoza Thibodeaux, Manning Gross Massenburg, New Orleans, LA USA; Danielle M.S. Riera, Manning Gross & Massenburg, New Orleans, LA USA.

For Aldrich Pump LLC, CBS Corporation, Foster Wheeler LLC, General Electric Company, Consol Cross Defendants (2:19cv9339): John Joseph Hainkel, III, LEAD ATTORNEY, [*23] Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA;

Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For BP Products North America, Inc., Consol Cross Defendant (2:19cv9339): Janet Wessler Marshall, LEAD ATTORNEY, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Aaron Benjamin Greenbaum, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Jacques P. DeGruy, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Salvador Joseph Pusateri, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA.

For Crane Company, Consol Cross Defendant (2:19cv9339): Lawrence Pugh, III, LEAD ATTORNEY, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA; Jacqueline Romero, Pugh, Accardo, LLC (New Orleans), New Orleans, LA USA.

For Grefco, Inc., Consol Cross Defendant (2:19cv9339): James Matthew Matherne, LEAD ATTORNEY, Courington, Kiefer & Sommers, LLC, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Troy Nathan Bell, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

For LGS Technologies, Consol Cross Defendant (2:19cv9339): Kevin John Webb, LEAD ATTORNEY, Litchfield Cavo LLP, Mandeville, LA USA.

For Bayer Cropscience, Inc., Union Carbide Corporation, Consol Third Party Defendants, Consol Cross Defendants (2:19cv9339): McGready Lewis Richeson, LEAD ATTORNEY, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Francis Xavier deBlanc, III, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Lesley Chanel Muse, Pugh Accardo, New Orleans, LA USA; Milele N. St. Julien, Pugh Accardo Haas Radecker & Carey, New Orleans, LA USA.

For Zurich American Insurance Company, Consol Cross Defendant (2:19cv9339): Edward T. Hayes, LEAD ATTORNEY, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA; Marc E. Devenport, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA.

For Viking Pump Inc, Consol Cross Defendant (2:19cv9339): James Matthew Matherne, LEAD ATTORNEY, Courington, Kiefer & Sommers, LLC, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

For [*25] Hopeman Brothers Inc, Cross Claimant (2:19cv9339): Kaye N. Courington, LEAD ATTORNEY, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Blaine Augusta Moore, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Brittney Bullock Ankersen, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Jeffrey Matthew Burg, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Mathilde Villere Semmes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Troy Nathan Bell, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

For Eagle Inc, Third Party Plaintiff, Third Party Defendant (2:19cv9339): Susan Beth Kohn, LEAD ATTORNEY, Simon, Peragine, Smith & Redfearn, LLP (New Orleans), New Orleans, LA USA; Douglas Kinler, Simon, Peragine, Smith & Redfearn, LLP (New Orleans), New Orleans, LA USA; James R. Guidry, Lugenbuhl, Wheaton, Peck, Rankin, & Hubbard, New Orleans, LA USA; Louis Oliver Oubre, Courington, Kiefer, Sommers, Marullo & Matherne, LLC, New Orleans, LA USA.

For Cynthia Marsh, as Administrator for the Estate of Harry F. Marsh |, Plaintiff (2:21cv2185): Meredith Kay Clark, LEAD ATTORNEY, Motley [*26] Rice, LLC (Mount Pleasant), Mt. Pleasant, SC USA; Andrew D. Weinstock, Duplass, APLC, Metairie, LA USA; John E. Herrick, PRO HAC VICE, Motley Rice, LLC, Mount Pleasant, SC USA; John Freeman Herrick, Duplass, APLC, Metairie, LA USA; Continental Insurance Company, individually, and as successor in interest to Marine Office of America Corporation |, Defendant (2:21cv2185): Paula Marcello Wellons, LEAD ATTORNEY, Taylor, Wellons, Politz & Duhe APLC, New Orleans, LA USA; Francis Christopher Cannone, Taylor Wellons Politz & Duhe, New Orleans, LA USA; Paul Jeffrey Verlander, Taylor, Wellons, Politz & Duhe, APLC, New Orleans, LA USA; Samantha Paula Griffin, Taylor, Wellons, Politz & Duhe, APLC, New Orleans, LA USA.

For Sank, Inc., doc. 69; incorrectly served as Buck Kreihs Company, Inc. |, Defendant (2:21cv2185): Lawrence Pugh, III, LEAD ATTORNEY, Pugh Accardo Haas Radecker & Carey, New Orleans, LA USA; Jacqueline Romero, Pugh Accardo Haas Radecker and Carey, New Orleans, LA USA; Paramount Global, Third Party Defendant (2:21cv2185): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., [*27] New Orleans, LA USA;

Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For Redco Corporation, doc. 54 | formerly known as | Crane Company |, Crane Company, Doc. 37 |, Cross Defendants (2:21cv2185): Lawrence Pugh, III, LEAD ATTORNEY, Pugh Accardo Haas Radecker & Carey, New Orleans, LA USA; Jacqueline Romero, Pugh Accardo Haas Radecker and Carey, New Orleans, LA USA.

For Crane Company, Doc. 15 |, Third Party Defendant (2:21cv2185): Lawrence Pugh, III, LEAD ATTORNEY, Pugh Accardo Haas Radecker & Carey, New Orleans, LA USA; Jacqueline Romero, Pugh Accardo Haas Radecker and Carey, New Orleans, LA USA.

For Continental Insurance Company, Doc. 15 |, Third Party Plaintiff (2:21cv2185): Paula Marcello Wellons, LEAD ATTORNEY, Taylor, Wellons, Politz & Duhe APLC, New Orleans, LA USA; Francis Christopher Cannone, Taylor Wellons Politz & Duhe, New Orleans, LA USA; Paul Jeffrey Verlander, Taylor, Wellons, Politz & Duhe, APLC, New Orleans, LA USA; Samantha Paula Griffin, Taylor, Wellons, Politz & Duhe, APLC, New Orleans, LA USA.

For A.W. Chesterton Company, Doc. 15 |, Third Party Defendant [*28] (2:21cv2185): Glenn Lyle Maximilian Swetman, LEAD ATTORNEY, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Brandie Mendoza Thibodeaux, Manning Gross Massenburg, New Orleans, LA USA; Danielle M.S. Riera, Manning Gross & Massenburg, New Orleans, LA USA.

For A.W. Chesterton Company, Doc. 37 |, Cross Defendant (2:21cv2185): Glenn Lyle Maximilian Swetman, LEAD ATTORNEY, MG+M The Law Firm (New Orleans), New Orleans, LA USA; Brandie Mendoza Thibodeaux, Manning Gross Massenburg, New Orleans, LA USA; Danielle M.S. Riera, Manning Gross & Massenburg, New Orleans, LA USA.

For Aldrich Pump LLC, Doc. 15 |, Aldrich Pump LLC, Doc. 15 | formerly known as | Ingersoll-Rand Company |, Third Party Defendant (2:21cv2185): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For Aldrich Pump LLC, Doc. 37 | formerly known as | Ingersoll-Rand Company |, Cross Defendant (2:21cv2185): John Joseph Hainkel, III, LEAD [*29] ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For Foster Wheeler LLC, Doc. 15 |, Foster Wheeler LLC, Doc. 15 | doing business as | Foster Wheeler Corporation |, Third Party Defendants (2:21cv2185): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For Foster Wheeler LLC, Doc. 37 | doing business as | Foster Wheeler Corporation |, Cross Defendant (2:21cv2185): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., [*30] New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For General Electric Company, Doc. 15 |, CBS Corporation, Doc. 15 | formerly known as | Viacom Inc | formerly known as | Westinghouse Electric Company |, Third Party Defendants (2:21cv2185): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For General Electric Company, Doc. 37 |, Cross Defendant (2:21cv2185): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For BP Products North America, Inc., Individually and as successor in interest to Pan American Petroleum and Transport Company; Doc. 15 |, Third Party Defendant (2:21cv2185): **[*31]** Janet Wessler Marshall, LEAD ATTORNEY, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Aaron Benjamin Greenbaum, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Jacques P. DeGruy, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Salvador Joseph Pusateri, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA.

For BP Products North America, Inc., Doc. 37; individually and as successor in interest to Pan American Petroleum and Transport Company |, Cross Defendant (2:21cv2185): Janet Wessler Marshall, LEAD ATTORNEY, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Aaron Benjamin Greenbaum, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Jacques P. DeGruy, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA; Salvador Joseph Pusateri, Pusateri, Johnston, Guillot & Greenbaum, LLC, New Orleans, LA USA.

For Bayer Cropscience, Inc., as successor to Rhone-Poulenc AG Company; Doc. 15 |, Bayer Cropscience, Inc., as successor to Rhone-Poulenc AG Company; Doc. 15 | formerly known as | Amchem Products, Inc. | formerly known as | Benjamin Foster Co |, Third Party Defendants (2:21cv2185): **[*32]** McGready Lewis Richeson, LEAD ATTORNEY, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Francis Xavier deBlanc, III, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Lesley Chanel Muse, Pugh Accardo, New Orleans, LA USA; Milele N. St. Julien, Pugh Accardo Haas Radecker & Carey, New Orleans, LA USA.

For Bayer Cropscience, Inc., as successor to Rhone-Poulenc AG Company; Doc. 37 | formerly known as | Amchem Products, Inc. | formerly known as | Benjamin Foster Co |, Cross Defendant (2:21cv2185): McGready Lewis Richeson, LEAD ATTORNEY, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Francis Xavier deBlanc, III, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Lesley Chanel Muse, Pugh Accardo, New Orleans, LA USA; Milele N. St. Julien, Pugh Accardo Haas Radecker & Carey, New Orleans, LA USA.

For Union Carbide Corporation, Doc. 15 |, Third Party Defendant (2:21cv2185): McGready Lewis Richeson, LEAD ATTORNEY, Pugh, Accardo, Haas, Radecker &

Carey (New Orleans), New Orleans, LA USA; Francis Xavier deBlanc, III, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Lesley **[*33]** Chanel Muse, Pugh Accardo, New Orleans, LA USA; Milele N. St. Julien, Pugh Accardo Haas Radecker & Carey, New Orleans, LA USA.

For Union Carbide Corporation, Doc. 37 |, Cross Defendant (2:21cv2185): McGready Lewis Richeson, LEAD ATTORNEY, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Francis Xavier deBlanc, III, Pugh, Accardo, Haas, Radecker & Carey (New Orleans), New Orleans, LA USA; Lesley Chanel Muse, Pugh Accardo, New Orleans, LA USA; Milele N. St. Julien, Pugh Accardo Haas Radecker & Carey, New Orleans, LA USA.

For CBS Corporation, Doc. 15 |, Third Party Defendant (2:21cv2185): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin,, Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For CBS Corporation, Doc. 37 | formerly known as | Viacom Inc | formerly known as | Westinghouse Electric Company |, Cross Defendant (2:21cv2185): John Joseph Hainkel, III, LEAD ATTORNEY, Frilot L.L.C., New Orleans, LA USA; Angela M. Bowlin,, **[*34]** Frilot L.L.C., New Orleans, LA USA; Kelly L. Long, Frilot L.L.C., New Orleans, LA USA; Kelsey Eagan, Frilot L.L.C., New Orleans, LA USA; Magali Ann Puente-Martin, Frilot L.L.C., New Orleans, LA USA; Roth Martin Hainkel, Frilot LLC, New Orleans, LA USA.

For Chas Kurz & Co Inc, Doc. 15 |, Third Party Defendant (2:21cv2185): Kevin J. LaVie,, LEAD ATTORNEY, Phelps Dunbar, LLP (New Orleans), New Orleans, LA USA.

For Chas Kurz & Co Inc, Doc. 37 |, Cross Defendant (2:21cv2185): Kevin J. LaVie,, LEAD ATTORNEY, Phelps Dunbar, LLP (New Orleans), New Orleans, LA USA.

For Chiquita Brands International, Inc., Individually and as successor in interest to United Fruit Company; Doc. 15 |, Third Party Defendant (2:21cv2185): Kevin J. LaVie, LEAD ATTORNEY, Phelps Dunbar, LLP (New Orleans), New Orleans, LA USA.

For Chiquita Brands International, Inc., Individually and as successor in interest to United Fruit Company; Doc.

37 |, Cross Defendant (2:21cv2185): Kevin J. LaVie, LEAD ATTORNEY, Phelps Dunbar, LLP (New Orleans), New Orleans, LA USA.

For Farrell Lines, Individually and as successor in interest to American Export Lines, Inc.; Doc. 15 |, Third Party Defendant (2:21cv2185): Kevin J. LaVie, LEAD ATTORNEY, [*35] Phelps Dunbar, LLP (New Orleans), New Orleans, LA USA.

For Farrell Lines Inc, doc. 39; individually and as successor in interest to American Export Lines, Inc. |, Third Party Defendant (2:21cv2185): Kevin J. LaVie, LEAD ATTORNEY, Phelps Dunbar, LLP (New Orleans), New Orleans, LA USA.

For Farrell Lines, Individually and as successor in interest to American Export Lines, Inc.; Doc. 37 |, Cross Defendant (2:21cv2185): Kevin J. LaVie, LEAD ATTORNEY, Phelps Dunbar, LLP (New Orleans), New Orleans, LA USA.

For National Bulk Carriers, Inc, Doc. 15 |, Chas Kurz & Co Inc, Doc. 15 |, Third Party Defendants (2:21cv2185): Kevin J. LaVie, LEAD ATTORNEY, Phelps Dunbar, LLP (New Orleans), New Orleans, LA USA.

For National Bulk Carriers, Inc, Doc. 37 |, Cross Defendant (2:21cv2185): Kevin J. LaVie, LEAD ATTORNEY, Phelps Dunbar, LLP (New Orleans), New Orleans, LA USA.

For Grefco, Inc., Doc. 15 |, Third Party Defendant (2:21cv2185): James Matthew Matherne,, LEAD ATTORNEY, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Troy Nathan Bell, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, [*36] LA USA.

For Huntington Ingalls Incorporated, Doc. 15 |, Huntington Ingalls Incorporated, Doc. 15 | formerly known as | Northrop Grumman Shipbuilding, Inc. | formerly known as | Northrop Grumman Ship Systems, Inc. | formerly known as | Avondale Industries, Inc. | formerly known as | Avondale Shipyards, Inc |, Third Party Defendants (2:21cv2185): Gustave A. Fritchie, III, LEAD ATTORNEY, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Alexander R Saunders, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; David Michael Melancon, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Laura Ashleigh Leggette, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Michael Kevin Powell,

Irwin Fritchie Urquhart Moore & Daniels, New Orleans, LA USA; Timothy Farrow Daniels, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA.

For Huntington Ingalls Incorporated, Doc. 37 |, Third Party Plaintiff, Cross Claimant (2:21cv2185): Gustave A. Fritchie, III, LEAD ATTORNEY, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Alexander R Saunders, Irwin Fritchie Urquhart & Moore, LLC [*37] (New Orleans), New Orleans, LA USA; David Michael Melancon, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Laura Ashleigh Leggette, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA; Michael Kevin Powell, Irwin Fritchie Urquhart Moore & Daniels, New Orleans, LA USA; Timothy Farrow Daniels, Irwin Fritchie Urquhart & Moore, LLC (New Orleans), New Orleans, LA USA.

For LGS Technologies, Doc. 15 |, Third Party Defendant (2:21cv2185): Kevin John Webb,, LEAD ATTORNEY, Litchfield Cavo LLP, Mandeville, LA USA.

For LGS Technologies, Doc. 37 | formerly known as | Longhorn Gasket and Supply |, Cross Defendant (2:21cv2185): Kevin John Webb,, LEAD ATTORNEY, Litchfield Cavo LLP, Mandeville, LA USA.

For Zurich American Insurance Company, as successor by merger to Maryland Casualty Company; Doc. 15 |, Third Party Defendant (2:21cv2185): Edward T. Hayes, LEAD ATTORNEY, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA; Marc E. Devenport, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA.

For Zurich American Insurance Company, as successor by merger to Maryland Casualty Company; Doc. 37 |, Cross Defendant (2:21cv2185): Edward T. Hayes, LEAD [*38] ATTORNEY, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA; Marc E. Devenport, Leake & Andersson, LLP (New Orleans), New Orleans, LA USA.

For Grefco, Inc., Doc. 15 |, Viking Pump Inc, improperly named as Idex Corp.; doc. 42 |, Third Party Defendants (2:21cv2185): James Matthew Matherne, LEAD ATTORNEY, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Troy Nathan Bell, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

For Grefco, Inc., Doc. 37 |, Cross Defendant (2:21cv2185): James Matthew Matherne, LEAD

ATTORNEY, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Troy Nathan Bell, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

For LGS Technologies, Doc. 15 | formerly known as | Longhorn Gasket and Supply |, Third Party Defendant (2:21cv2185): Kevin John Webb, LEAD ATTORNEY, Litchfield Cavo LLP, Mandeville, LA USA.

For Viking Pump Inc, improperly named as Idex Corp.; doc. 65 |, Cross Defendant (2:21cv2185): James Matthew [*39] Matherne, LEAD ATTORNEY, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA; Colin Felicien Lozes, Courington, Kiefer, Sommers, Marullo & Matherne, New Orleans, LA USA.

Judges: KAREN WELLS ROBY, UNITED STATES MAGISTRATE JUDGE.

Opinion by: KAREN WELLS ROBY

Opinion

ORDER

Before the Court are the following: (1) Defendant Continental Insurance Company's ("Continental" or "Defendant") **Motion to Quash Plaintiff's Request's for Admission of Fact, or in the Alternative, Motion for Protective Order (R. Doc. 437)**; the motion is opposed. R. Doc. 442.; (2) Plaintiff's **Motion to Compel Defendant's Responses to Interrogatories, Request for Production of Documents and Things, and Corporate Representative Deposition (R. Doc. 439)**; the motion is opposed. R. Doc. 472.; and Continental's **Motion for Protective Order (R. Doc. 441)**.; the motion is unopposed. Due to the nature of the motions, the Court will address them collectively.

I. Background

This suit arises from Harry F. Marsh's ("Mr. Marsh") alleged **asbestos** exposure aboard various merchant marine vessels, including vessels owned and/or operated by Lykes. R. Doc. 1. Continental has been sued as the alleged insurer of Lykes. Plaintiff filed suit in state court on [*40] January 18, 2019. *Id.* Defendants subsequently removed the case to this Court under

federal officer jurisdiction. *Id.* Mr. Marsh passed away from mesothelioma in August of 2019. *Id.* Plaintiff alleges that Continental is liable for Lykes' negligence in failing to warn, prevent, or otherwise exercise reasonable care with regard to the use of **asbestos**, which is alleged to have caused Mr. Marsh's illness and death. *Id.*

II. Standard of Review

Rule 26(b)(1) provides that "[p]arties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense." See *Fed.R.Civ.P. 26(b)(1)*. The Rule specifies that "[r]elevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence." *Id.* The discovery rules are accorded broad and liberal treatment to achieve their purpose of adequately informing litigants in civil trials. *Herbert v. Lando*, 441 U.S. 153, 177, 99 S.Ct. 1635, 60 L.Ed.2d 115 (1979). Nevertheless, discovery does have "ultimate and necessary boundaries." *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351, 98 S.Ct. 2380, 57 L.Ed.2d 253 (1978) (quoting *Hickman v. Taylor*, 329 U.S. 495, 507, 67 S.Ct. 385, 91 L.Ed. 451 (1947)). Further, it is well established that "control of discovery is committed to the sound discretion of the trial court. . ." *Freeman v. United States*, 556 F.3d 326, 341 (5th Cir. 2009); *Coleman v. Am. Red Cross*, 23 F.3d 1091, 1096 (6th Cir. 1994).

Under Rule 26(b)(2)(C), discovery may be limited if: (1) the discovery sought is unreasonably cumulative or [*41] duplicative, or is obtainable from another, more convenient, less burdensome, or less expensive source; (2) the party seeking discovery has had ample opportunity to obtain the discovery sought; or (3) the burden or expense of the proposed discovery outweighs its likely benefit. *Id.* In assessing whether the burden of the discovery outweighs its benefit, a court must consider: (1) the needs of the case; (2) the amount in controversy; (3) the parties' resources; (4) the importance of the issues at stake in the litigation; and (5) the importance of the proposed discovery in resolving the issues. *Id.* at 26(b)(2)(C)(iii).

Rule 26(c) allows the court to issue a protective order after a showing of good cause "to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." *Fed. R. Civ. P. 26(c)(1)*. Rule 26(c)'s "good cause" requirement indicates that the party seeking a protective order has the burden "to

show the necessity of its issuance, which contemplates a particular and specific demonstration of fact as distinguished from stereotyped and conclusory statements." [In re Terra Int'l, Inc., 134 F.3d 302, 306 \(5th Cir. 1998\)](#) (quoting [United States v. Garrett, 571 F.2d 1323, 1326 n.3 \(5th Cir. 1978\)](#)).

Discovery of documents, electronically stored information, and the like is governed by [Federal Rule of Civil Procedure 34](#). Rule 34 allows a party to request the production of "any [*42] designated documents or electronically stored information" or "any tangible things" in the responding party's "possession, custody, or control." *Id.*

III. Analysis

Various motions have been filed by both the Plaintiff and Continental that the Court resolves as follows.

A. Motion to Quash Plaintiff's Requests for Admission or, in the Alternative, Motion for Protective Order (R. Doc. 437)

Continental has moved to quash Plaintiff's First Set of Requests for Admission of Fact ("RFAs"). R. Doc. 437. Continental argues that Plaintiff's 308 page document consisting of 1,459 requests are unduly burdensome, harassing, and contrary to the purpose of Rule 36 of the Federal Rules of Civil Procedure. *Id.* Furthermore, Continental alleges that the majority of the requests are also improperly directed to Continental. *Id.* Continental is sued under the Direct Action Statute as the alleged insurer of Lykes Bros. Steamship Co., Inc. ("Lykes"), as Plaintiff seeks Admissions regarding the knowledge and activities of Lykes. *Id.*

However, Plaintiff filed a response in opposition of Continental's instant motion arguing that the propounded Requests for Admissions are necessary for several reasons. R. Doc. 442. First, Plaintiff argues that the requests establish [*43] that Lykes was the owner of the vessels referenced in the RFAs. Second, the RFAs establish that the vessels were steamships. Third, and finally, the RFAs further seek to establish that Mr. Marsh was a Jones Act seaman. Essentially, Plaintiff argues that the information sought by and through the RFAs were designed to narrow down evidence to be presented to the jury.

Continental filed a reply to Plaintiff's opposition, simply rehashing its same arguments. R. Doc. 470.

[Federal Rule of Civil Procedure 36](#) does not specifically limit the number of requests for admission that a party may serve. There is no absolute number of Rule 36 requests that are excessive across every case. [McKinney/Pearl Rest. Partners, L.P. v. Metro. Life Ins. Co., No. 3:14-CV-2498-B, 2016 U.S. Dist. LEXIS 1999, 2016 WL 98603, at *15 \(N.D. Tex. Jan. 8, 2016\)](#) (citing [Gen. Elec. Co. v. Prince, No. 06 Civ. 0050 SAS MHD, 2007 U.S. Dist. LEXIS 6029, 2007 WL 86940, at *2 \(S.D.N.Y. Jan. 10, 2007\)](#)). Instead, a court considers whether the burden and expense of answering the requests outweigh the importance of the requests in resolving the issues. *Id.*

Here, the Court finds that the vast majority of the subject RFAs (1,459) are irrelevant, duplicative, and burdensome in volume. As Continental has pointed out, this is an action against a single insurance company, Continental, via the Louisiana Direct Action Statute. [La. Rev. Stat. § 22:1269](#). Thus, it appears that the recovery from Continental arises out of the subject insurance policy issued to Lykes.

The Direct Action [*44] Statute "is an application of contract law that a third-party beneficiary may sue to enforce a contract for his benefit even though not himself a party to the agreement." [In Re Combustion, Inc., 960 F. Supp. 1056, 1059 \(W.D. La. 1997\)](#) (emphasis added). Therefore, under the statute, topics unrelated to those contractual rights are irrelevant. Most of the subject RFAs seek information related to Lykes' history, operations, and knowledge — which the Court finds are irrelevant to claims against Continental. Moreover, in Plaintiff's opposition, Plaintiff fails to address why many of the RFAs are directed to Lykes but have been propounded to Continental.

Furthermore, numerous RFAs propounded by Plaintiff merely interchange dates in otherwise identical requests. Also, the sheer volume of Plaintiff's propounded RFAs is disproportionate to the needs of the case when considering the fact that the majority of the requests concern an entity other than Continental. See [Snively v. Peak Pressure Control, No. MO:15-CV-00134-DC, 2018 U.S. Dist. LEXIS 242457, at *4-5 \(W.D. Tex. Jan. 16, 2018\)](#) (finding that 800 requests for admission were excessive).

For the reasons above, the Court finds that Plaintiff's First Set of Requests for Admission of Fact are indeed disproportionate to the needs of this case under the parameters set forth in Rule 26 and 36.

B. Motion to Compel Defendant's Responses [*45] to Interrogatories, Request for Production of Documents and Things, and Corporate Representative Deposition (R. Doc. 439)

Plaintiff filed a motion to compel Continental to provide its responses to interrogatories, requests for production and compel Continental's corporate deposition. R. Doc. 439. Continental filed an opposition in response to Plaintiff's motion, alleging that Continental has fully responded to Plaintiff's requested discovery, and has offered to produce a corporate representative for deposition. R. Doc. 472. Plaintiff has not disputed Continental's statements. Thus, the Court finds that Plaintiff's motion to compel is MOOT.

C. Motion for Protective Order (R. Doc. 441)

Continental has moved for a protective order limiting the scope of Plaintiff's topics and documents requested for the corporate deposition of Continental. R. Doc. 441. Continental argues that the vast majority of the requests are improperly directed to Continental and should be directed instead to Lykes, as Lykes possesses the knowledge and requested information. *Id.* Additionally, Continental has asked the Court to limit the topics of the requested deposition to categories b, c, and d, that are applicable [*46] to insurance policies issued to Lykes. *Id.* Continental argues that those topics are the only appropriate topics for the deposition of Continental. *Id.* The motion is unopposed.

The Court finds that Continental's Motion for Protective Order should be granted for the same reasons as indicated in Continental's Motion to Quash. It is clear that once again Plaintiff has directed the majority of the deposition topics toward Continental, when it appears they should be directed toward Lykes. The Court further notes that Plaintiff has failed to address this repetitive issue. The Court will allow the corporate deposition to proceed forward, limiting the scope of the deposition to topics b, c, and d, as those topics are more narrowly tailored to the subject insurance policy issued to Lykes.

IV. Conclusion

Accordingly,

IT IS ORDERED that the Defendant Continental Insurance Company's **Motion to Quash Plaintiff's Request's for Admission of Fact, or in the**

Alternative, Motion for Protective Order (R. Doc. 437) is GRANTED.

IT IS FURTHER ORDERED that the Plaintiff's **Motion to Compel Defendant's Responses to Interrogatories, Request for Production of Documents and Things, and Corporate Representative Deposition [*47] (R. Doc. 439) is DENIED as MOOT.**

IT IS FURTHER ORDERED that the Defendant Continental Insurance Company's **Motion for Protective Order (R. Doc. 441) is GRANTED.** The corporate deposition will proceed forward within the deadlines, limiting the scope of the deposition to topics b, c, and d, as those topics are more narrowly tailored to the subject insurance policy issued to Lykes.

New Orleans, Louisiana, this 12th day of April 2023.

/s/ Karen Wells Roby

KAREN WELLS ROBY

UNITED STATES MAGISTRATE JUDGE

End of Document