

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SUSAN MARY STATON, : CONSOLIDATED UNDER  
ET AL., : MDL 875  
Plaintiffs, :  
 : **FILED**  
 : JUL 24 2012  
 : Transferred from the  
v. : Central District of  
 : California  
 : (Case No. 09-03724)  
 : MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk  
 :  
AMERICAN STANDARD, INC., : E.D. PA CIVIL ACTION NO.  
ET AL., : 2:09-93760-ER  
 :  
Defendants. :

O R D E R

**AND NOW**, this 23rd day of **July, 2012**, it is hereby  
**ORDERED** that the Motion for Summary Judgment of Defendant **Kaiser  
Gypsum Company, Inc.** (Doc. No. 280) is **DENIED** without prejudice.<sup>1</sup>

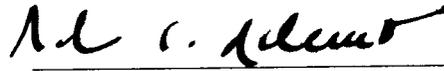
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<sup>1</sup> This case was transferred in December of 2009 from the United States District Court for the Central District of California to the United States District Court for the Eastern District of Pennsylvania as part of MDL-875.

Plaintiff Susan Mary Staton (with others) alleges that Decedent Ellis Michael Staton ("Decedent" or "Mr. Staton") was exposed to asbestos from joint compound manufactured by Defendant Kaiser Gypsum Company ("Kaiser Gypsum"). Mr. Staton was diagnosed with mesothelioma and died from this disease. Plaintiff asserts that Mr. Staton developed this disease as a result of his exposure to asbestos from Defendant's joint compound.

Plaintiff brought claims against various defendants. Defendant Kaiser Gypsum has moved for partial summary judgment, arguing that there is no evidence to support Plaintiff's claims for punitive damages.

The Court has previously determined that the issue of punitive damages must be resolved at a future date with regard to the entire MDL-875 action and, therefore, all claims for punitive or exemplary damages are to be severed from the case and retained by the Court within its jurisdiction over MDL-875 in the Eastern



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EDUARDO C. ROBRENO, J.

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District of Pennsylvania. See, e.g., Ferguson v. Lorillard Tobacco Co., Inc., No. 09-91161, 2011 WL 4915784, at n.2 (E.D. Pa. Mar. 2, 2011) (Robreno, J.) (citing In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory claims over exemplary punitive damage windfalls; this prudent conservation more than vindicates the Panel's decision to withhold punitive damage claims on remand."); In re Roberts, 178 F.3d 181 (3d Cir. 1999)). Therefore, Defendant's motion is denied without prejudice.