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

CHRISTINE P. PACE,	:	CONSOLIDATED UNDER MDL 875
Plaintiff,	:	
v.	:	Transferred from the District of South Carolina (Case No. 11-02688)
3M COMPANY, ET AL.,	:	
Defendants.	:	E.D. PA CIVIL ACTION NO. 2:11-67744-ER

O R D E R

AND NOW, this **11th** day of **April, 2013**, it is hereby **ORDERED** that the Motion for Summary Judgment of Defendant Crane Co. (Doc. No. 114) is **GRANTED.**[1]

---

[1] This case was transferred in October of 2011 from the United States District Court for the District of South Carolina to the United States District Court for the Eastern District of Pennsylvania as part of MDL-875.

Plaintiff Christine Pace alleges that William Pace ("Decedent" or "Mr. Pace") was exposed to asbestos while working as a marine machinist (and apprentice marine machinist) at the Charleston Naval Shipyard from 1971 to 1995. Plaintiff alleges that Defendant Crane Co. ("Crane Co.") manufactured pumps and valves with which gaskets, packing, and insulation were used. The alleged exposure pertinent to Defendant Crane Co. occurred aboard various Navy ships and on land in two different machine shops.

Plaintiff asserts that Decedent developed mesothelioma as a result of his exposure to asbestos. Decedent was deposed in October of 2011.

Plaintiff brought claims against various defendants. Defendant Crane Co. has moved for summary judgment, arguing that (1) there is insufficient evidence to establish causation with respect to its product(s), (2) it is entitled to summary judgment on grounds of the bare metal defense, and (3) it is immune from liability by way of the government contractor defense. Defendant asserts that maritime law applies to Plaintiff's claims. Plaintiff contends that South Carolina law applies.

I. Legal Standard

A. Summary Judgment Standard

Summary judgment is appropriate if there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a). "A motion for summary judgment will not be defeated by 'the mere existence' of some disputed facts, but will be denied when there is a genuine issue of material fact." Am. Eagle Outfitters v. Lyle & Scott Ltd., 584 F.3d 575, 581 (3d Cir. 2009) (quoting Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-248 (1986)). A fact is "material" if proof of its existence or non-existence might affect the outcome of the litigation, and a dispute is "genuine" if "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Anderson, 477 U.S. at 248.

In undertaking this analysis, the court views the facts in the light most favorable to the non-moving party. "After making all reasonable inferences in the nonmoving party's favor, there is a genuine issue of material fact if a reasonable jury could find for the nonmoving party." Pignataro v. Port Auth. of N.Y. & N.J., 593 F.3d 265, 268 (3d Cir. 2010) (citing Reliance Ins. Co. v. Moessner, 121 F.3d 895, 900 (3d Cir. 1997)). While the moving party bears the initial burden of showing the absence of a genuine issue of material fact, meeting this obligation shifts the burden to the non-moving party who must "set forth specific facts showing that there is a genuine issue for trial." Anderson, 477 U.S. at 250.

B. The Applicable Law

Plaintiff asserts that South Carolina law applies, while Defendant contends that maritime law applies. Where a case sounds in admiralty, application of a state's law (including a choice of law analysis under its choice of law rules) would be inappropriate. Gibbs ex rel. Gibbs v. Carnival Cruise Lines, 314 F.3d 125, 131-32 (3d Cir. 2002). Therefore, if the Court determines that maritime law is applicable, the analysis ends there and the Court is to apply maritime law. See id.

Whether maritime law is applicable is a threshold dispute that is a question of federal law, see U.S. Const. Art. III, § 2; 28 U.S.C. § 1333(1), and is therefore governed by the law of the circuit in which this MDL court sits. See Various Plaintiffs v. Various Defendants ("Oil Field Cases"), 673 F.

Supp. 2d 358, 362 (E.D. Pa. 2009)(Robreno, J.). This court has previously set forth guidance on this issue. See Conner v. Alfa Laval, Inc., 799 F. Supp. 2d 455 (E.D. Pa. 2011)(Robreno, J.).

In order for maritime law to apply, a plaintiff's exposure underlying a products liability claim must meet both a locality test and a connection test. Id. at 463-66 (discussing Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co., 513 U.S. 527, 534 (1995)). The locality test requires that the tort occur on navigable waters or, for injuries suffered on land, that the injury be caused by a vessel on navigable waters. Id. In assessing whether work was on "navigable waters" (i.e., was sea-based) it is important to note that work performed aboard a ship that is docked at the shipyard is sea-based work, performed on navigable waters. See Sisson v. Ruby, 497 U.S. 358 (1990). This Court has previously clarified that this includes work aboard a ship that is in "dry dock." See Deuber v. Asbestos Corp. Ltd., No. 10-78931, 2011 WL 6415339, at *1 n.1 (E.D. Pa. Dec. 2, 2011)(Robreno, J.)(applying maritime law to ship in "dry dock" for overhaul). By contrast, work performed in other areas of the shipyard or on a dock, (such as work performed at a machine shop in the shipyard, for example, as was the case with the Willis plaintiff discussed in Conner) is land-based work. The connection test requires that the incident could have "'a potentially disruptive impact on maritime commerce,'" and that "'the general character' of the 'activity giving rise to the incident' shows a 'substantial relationship to traditional maritime activity.'" Grubart, 513 U.S. at 534 (citing Sisson, 497 U.S. at 364, 365, and n.2).

Locality Test

If a service member in the Navy performed some work at shipyards (on land) or docks (on land) as opposed to onboard a ship on navigable waters (which includes a ship docked at the shipyard, and includes those in "dry dock"), "the locality test is satisfied as long as some portion of the asbestos exposure occurred on a vessel on navigable waters." Conner, 799 F. Supp. 2d at 466; Deuber, 2011 WL 6415339, at *1 n.1. If, however, the worker never sustained asbestos exposure onboard a vessel on navigable waters, then the locality test is not met and state law applies.

Connection Test

When a worker whose claims meet the locality test was primarily sea-based during the asbestos exposure, those claims will almost always meet the connection test necessary for the application of maritime law. Conner, 799 F. Supp. 2d at 467-69 (citing Grubart, 513 U.S. at 534). This is particularly true in cases in which the exposure has arisen as a result of work aboard Navy vessels, either by Navy personnel or shipyard workers. See id. But if the worker's exposure was primarily land-based, then, even if the claims could meet the locality test, they do not meet the connection test and state law (rather than maritime law) applies. Id.

In instances where there are distinct periods of different types (e.g., sea-based versus land-based) of exposure, the Court may apply two different laws to the different types of exposure. See, e.g., Lewis v. Asbestos Corp., Ltd., No. 10-64625, 2011 WL 5881184, at *1 n.1 (E.D. Pa. Aug. 2, 2011) (Robreno, J.)(applying Alabama state law to period of land-based exposure and maritime law to period of sea-based exposure).

i) Exposure Arising Aboard Ships

Plaintiff alleges exposure pertinent to Defendant that occurred aboard ships. Therefore, these alleged exposures were during sea-based work. See Conner, 799 F. Supp. 2d 455; Deuber, 2011 WL 6415339, at *1 n.1. Accordingly, maritime law is applicable to Plaintiff's claims against Defendant that arise from this alleged exposure. See id. at 462-63.

ii) Exposure Arising On Land (Machine Shops 31 and 38)

Plaintiff alleges exposure pertinent to Defendant that occurred in two different machine shops on land (Shop No. 31 and Shop No. 38). Therefore, this exposure was during land-based work at the Charleston Naval Shipyard in Charleston, South Carolina. Accordingly, South Carolina state law is applicable to Plaintiff's claims against Defendant Crane Co. that arise from this alleged exposure. See Conner, 799 F. Supp. 2d 455.

C. Bare Metal Defense Under Maritime Law

This Court has held that the so-called "bare metal defense" is recognized by maritime law, such that a manufacturer

has no liability for harms caused by - and no duty to warn about hazards associated with - a product it did not manufacture or distribute. Conner v. Alfa Laval, Inc., No. 09-67099, - F. Supp. 2d -, 2012 WL 288364, at *7 (E.D. Pa. Feb. 1, 2012)(Robreno, J.).

D. Product Identification/Causation Under Maritime Law

In order to establish causation for an asbestos claim under maritime law, a plaintiff must show, for each defendant, that "(1) he was exposed to the defendant's product, and (2) the product was a substantial factor in causing the injury he suffered." Lindstrom v. A-C Prod. Liab. Trust, 424 F.3d 488, 492 (6th Cir. 2005); citing Stark v. Armstrong World Indus., Inc., 21 F. App'x 371, 375 (6th Cir. 2001). This Court has also noted that, in light of its holding in Conner v. Alfa Laval, Inc., No. 09-67099, - F. Supp. 2d -, 2012 WL 288364 (E.D. Pa. Feb. 1, 2012)(Robreno, J.), there is also a requirement (implicit in the test set forth in Lindstrom and Stark) that a plaintiff show that (3) the defendant manufactured or distributed the asbestos-containing product to which exposure is alleged. Abbay v. Armstrong Int'l., Inc., No. 10-83248, 2012 WL 975837, at *1 n.1 (E.D. Pa. Feb. 29, 2012)(Robreno, J.).

Substantial factor causation is determined with respect to each defendant separately. Stark, 21 F. App'x. at 375. In establishing causation, a plaintiff may rely upon direct evidence (such as testimony of the plaintiff or decedent who experienced the exposure, co-worker testimony, or eye-witness testimony) or circumstantial evidence that will support an inference that there was exposure to the defendant's product for some length of time. Id. at 376 (quoting Harbour v. Armstrong World Indus., Inc., No. 90-1414, 1991 WL 65201, at *4 (6th Cir. April 25, 1991)).

A mere "minimal exposure" to a defendant's product is insufficient to establish causation. Lindstrom, 424 F.3d at 492. "Likewise, a mere showing that defendant's product was present somewhere at plaintiff's place of work is insufficient." Id. Rather, the plaintiff must show "'a high enough level of exposure that an inference that the asbestos was a substantial factor in the injury is more than conjectural.'" Id. (quoting Harbour, 1991 WL 65201, at *4). The exposure must have been "actual" or "real", but the question of "substantiality" is one of degree normally best left to the fact-finder. Redland Soccer Club, Inc. v. Dep't of Army of U.S., 55 F.3d 827, 851 (3d Cir. 1995). "Total failure to show that the defect caused or contributed to the accident will foreclose as a matter of law a finding of strict products

liability." Stark, 21 F. App'x at 376 (citing Matthews v. Hyster Co., Inc., 854 F.2d 1166, 1168 (9th Cir. 1988)(citing Restatement (Second) of Torts, § 402A (1965))).

E. Bare Metal Defense Under South Carolina Law

This Court has previously been faced with the issue of whether the so-called "bare metal defense" is recognized by South Carolina law. See Blackmon v. Owens-Illinois, Inc., No. 07-62975, 2011 WL 4790631 (E.D. Pa. Jan. 28, 2011)(Robreno, J.); Campbell v. A.W. Chesterton Co., No. 11-66745, 2012 WL 5392828 (E.D. Pa. Oct. 16, 2012)(Robreno, J.). In each case, it remanded the issue for a court in South Carolina to decide, noting that this issue is a matter of policy, which no appellate court in South Carolina has addressed, and which would be better addressed by a court closer to and more familiar with South Carolina policy.

F. Product Identification/Causation Under South Carolina Law

This Court has previously addressed the standard for product identification under South Carolina law. In Blackmon v. Owens-Illinois, Inc., the Court wrote:

> In Henderson v. Allied Signal, Inc., the Supreme Court of South Carolina explicitly adopted the "frequency, regularity, and proximity test." 644 S.E.2d 724, 727 (S.C. 2007) (citing Lohrmann v. Pittsburgh Corning Corp., 782 F.2d 1156, 1162 (4th Cir. 1986)). The court noted that, "[t]o support a reasonable inference of substantial causation from circumstantial evidence, there must be evidence of exposure to a specific product on a regular basis over some extended period of time in proximity to where the plaintiff actually worked." 644 S.E.2d at 727. The court held that mere presence of "static asbestos" does not equate to asbestos exposure. Id.
>
> In Roehling v. National Gypsum Co., the United States Court of Appeals for the Fourth Circuit decided an appeal from the Eastern District of Virginia. 786 F.2d 1225 (4th Cir. 1986). Plaintiff sued various defendants alleging that he developed mesothelioma due to exposure to their asbestos-containing products. Id. at 1226. The Court held that direct evidence of exposure is

not required in order for plaintiff to survive a motion for summary judgment. Id. at 1228. The evidence need only establish that plaintiff "was in the same vicinity as witnesses who can identify the products causing the asbestos dust and that all people in that area, not just the product handlers, inhaled." Id.

No. 07-62975, 2011 WL 4790631 (E.D. Pa. Jan. 28, 2011).

G. Government Contractor Defense

To satisfy the government contractor defense, a defendant must show that (1) the United States approved reasonably precise specifications for the product at issue; (2) the equipment conformed to those specifications; and (3) it warned the United States about the dangers in the use of the equipment that were known to it but not to the United States. Boyle v. United Technologies Corp., 487 U.S. 500, 512 (1988). As to the first and second prongs, in a failure to warn context, it is not enough for defendant to show that a certain product design conflicts with state law requiring warnings. In re Joint E. & S.D.N.Y. Asbestos Litig., 897 F.2d 626, 630 (2d Cir. 1990). Rather, the defendant must show that the government "issued reasonably precise specifications covering warnings-specifications that reflect a considered judgment about the warnings at issue." Hagen v. Benjamin Foster Co., 739 F. Supp. 2d 770, 783 (E.D. Pa. 2010)(Robreno, J.)(citing Holdren v. Buffalo Pumps, Inc., 614 F. Supp. 2d 129, 143 (D. Mass. 2009)). Government approval of warnings must "transcend rubber stamping" to allow a defendant to be shielded from state law liability. 739 F. Supp. 2d at 783. This Court has previously cited to the case of Beaver Valley Power Co. v. Nat'l Engineering & Contracting Co., 883 F.2d 1210, 1216 (3d Cir. 1989), for the proposition that the third prong of the government contractor defense may be established by showing that the government "knew as much or more than the defendant contractor about the hazards" of the product. See, e.g., Willis v. BW IP Int'l, Inc., 811 F. Supp. 2d 1146 (E.D. Pa. Aug. 29, 2011)(Robreno, J.); Dalton v. 3M Co., No. 10-64604, 2011 WL 5881011, at *1 n.1 (E.D. Pa. Aug. 2, 2011) (Robreno, J.). Although this case is persuasive, as it was decided by the Court of Appeals for the Third Circuit, it is not controlling law in this case because it applied Pennsylvania law. Additionally, although it was decided subsequent to Boyle, the Third Circuit neither relied upon, nor cited to, Boyle in its opinion.

H. Government Contractor Defense at Summary Judgment Stage

This Court has noted that, at the summary judgment stage, a defendant asserting the government contractor defense has the burden of showing the absence of a genuine dispute as to any material fact regarding whether it is entitled to the government contractor defense. Compare Willis, 811 F. Supp. 2d at 1157 (addressing defendant's burden at the summary judgment stage), with Hagen, 739 F. Supp. 2d 770 (addressing defendant's burden when Plaintiff has moved to remand). In Willis, the MDL Court found that defendants had not proven the absence of a genuine dispute as to any material fact as to prong one of the Boyle test since plaintiff had submitted affidavits controverting defendants' affidavits as to whether the Navy issued reasonably precise specifications as to warnings which were to be placed on defendants' products. The MDL Court distinguished Willis from Faddish v. General Electric Co., No. 09-70626, 2010 WL 4146108 at *8-9 (E.D. Pa. Oct. 20, 2010)(Robreno, J.), where the plaintiffs did not produce any evidence of their own to contradict defendants' proofs. Ordinarily, because of the standard applied at the summary judgment stage, defendants are not entitled to summary judgment pursuant to the government contractor defense.

II. Defendant Crane Co.'s Motion for Summary Judgment

Product Identification / Causation

Crane Co. contends that Plaintiff's evidence is insufficient to establish that any product for which it is responsible caused Decedent's mesothelioma.

Bare Metal Defense

Crane Co. argues that it has no duty to warn about and cannot be liable for injury arising from any product or component part that it did not manufacture, supply, or install.

Government Contractor Defense

Crane Co. asserts the government contractor defense, arguing that it is immune from liability in this case, and therefore entitled to summary judgment, because the Navy exercised discretion and approved reasonably precise specifications for the products at issue, Defendant provided

warnings that conformed to the Navy's approved warnings, and the Navy knew about the hazards of asbestos. In asserting this defense, Crane Co. relies upon the affidavits and reports of Admiral David Sargent, Dr. Anthony Pantaleoni, and Dr. Samuel Forman.

B. Plaintiff's Arguments

Product Identification / Causation / Bare Metal Defense

In support of Plaintiff's assertion that she has identified sufficient evidence of exposure/causation/product identification to survive summary judgment, Plaintiff cites to the following evidence:

- Deposition of Mr. Pace
  Mr. Pace testified that he worked as a apprentice marine machinist at Charleston Naval Shipyard from approximately 1971 to 1975. In 1975, he became a journeyman machinist working on the "steam gang." From 1982 until about 1992, he worked in the nuclear power department aboard nuclear submarines. He worked as a machinist at the shipyard until about 1995. The majority of his career at Charleston Naval Shipyard was spent working on land in Machine Shop No. 38. He also worked for about a year in Machine Shop No. 31 (during his time as an apprentice).

  His duties at all of these locations included maintaining and repairing pumps and valves, including packing and repacking valves, and changing gaskets. He also worked on turbines and boilers. He did work with equipment used aboard at least twenty-five different Naval vessels.

  (Doc. No. 128, Exs. A-B.)

- Deposition Testimony of Raymond Lee
  Mr. Lee testified that Decedent working in Shop 31 for about a year doing mainly pump and valve assembly. He testified that Decedent had to scrape residual gasket

material off pumps and valves in the shop.

(Doc. No. 128, Exs. D-E.)

- Deposition Testimony of Theron Morgan, Jr.
  Mr. Morgan testified that the residual gasket material Decedent removed in Shop 31 was from gaskets that were original to the pump. When asked if he saw Decedent do any work at Shop 31 that exposed him to asbestos, Mr. Morgan explained that Decedent's work removing external insulation from pumps and valves would have exposed him to asbestos. He explained that removing the insulation was a dusty process.

  (Doc. No. 128, Ex. F.)

- Deposition Testimony of David Fanchette
  Mr. Fanchette identified Crane pumps and valves as being some of the equipment used at the shipyard during the time period in which Decedent worked as a machinist there maintaining pumps and valves.

  (Doc. No. 128, Ex. G.)

- Deposition Testimony of Guy Lookabill, Sr.
  Mr. Lookabill testified that he worked with Decedent from 1972 to 1974 in Shop 38. He testified that Decedent worked on and around pumps there. He testified that packing and gasket material used in connection with this equipment was obtained from the shops in the shipyard. He testified that removal of gaskets from valves was part of Decedent's job. He testified that they removed and replaced asbestos-containing packing from valves and that it would sometimes be a dusty process. He testified that they did not wear a mask or respiratory protection. He testified that he recalled Crane Co. valves in the area, though he couldn't specifically recall Decedent working with them.

  (Doc. No. 128, Ex. H.)

- Deposition Testimony of John Blackmon
  Mr. Blackmon testified in another case that workers at the shipyard worked with Crane pumps and valves.

  (Doc. No. 128, Ex. I.)

- Deposition Testimony of John Stanfield
  Mr. Stanfield testified in another case that workers at the shipyard worked with Crane valves.

  (Doc. No. 128, Ex. J.)

- Various Crane Co. Catalogs, Etc.
  Plaintiff points to various Crane Co. catalogs and documents which she contends indicate that (1) Crane Co. was aware that asbestos-containing parts (including replacement parts) - such as gaskets, packing, and insulation - would be used with its valves, and (2) Crane Co. sold some asbestos-containing gaskets and packing.

  (Doc. No. 128, Exs. K-L.)

Government Contractor Defense

Plaintiff argues that summary judgment in favor of Defendant on grounds of the government contractor defense is not warranted because there are genuine issues of material fact regarding its availability to Defendant. Plaintiff cites to various military specifications which, she argues, show that the Navy did not prohibit Defendant from providing warnings with its products and, instead, left the nature of any such warnings for determination by Defendants.

C. Analysis

Government Contractor Defense

Plaintiff has pointed to evidence that contradicts (or at least appears to be inconsistent with) Defendant's evidence as to whether the Navy did or did not reflect considered judgment over whether warnings could be included with asbestos-containing

products. Specifically, Plaintiff has pointed to, inter alia, MIL-M-15071D, which Plaintiff contends indicates that the Navy permitted warnings as deemed appropriate by defendant-manufacturers. This is sufficient to raise a genuine dispute of material fact as to whether the first and second prongs of the Boyle test are satisfied with respect to Defendant. See Willis, 811 F. Supp. 2d 1146. Accordingly, summary judgment on grounds of the government contractor defense is not warranted.

Product Identification / Causation / Bare Metal Defense

Plaintiff alleges that Decedent was exposed to asbestos from gaskets, packing and insulation that were used in connection with Crane Co. valves and pumps. She alleges that this exposure occurred both aboard ships and in machine shops (on land). The Court examines the sufficiency of Plaintiff's evidence regarding each alleged source of exposure separately.

i) Exposure Arising Aboard Ships (Maritime Law)

There is evidence that Decedent worked with pumps and valves aboard Navy ships. However, there is no evidence that any of these pumps or valves were manufactured or supplied by Crane Co., or that there was any asbestos associated with any of the pumps or valves aboard these ships. Therefore, no reasonable jury could conclude from the evidence that Decedent was exposed during his work aboard ships to asbestos from a product manufactured or supplied by Crane Co. such that it was a substantial factor in the development of his mesothelioma, because any such finding would be impermissibly conjectural. See Lindstrom, 424 F.3d at 492.

With respect to asbestos-containing products (or component parts) to which Decedent may have been exposed in connection with Crane Co. valves, but which were not manufactured or supplied by Defendant Crane Co., the Court has held that, under maritime law, Defendant cannot be liable. Conner, 2012 WL 288364, at *7. Accordingly, summary judgment in favor of Defendant Crane Co. is warranted. Anderson, 477 U.S. at 248-50.

ii) Exposure Arising On Land (South Carolina Law)

(a) Gaskets

There is evidence that Decedent worked removing and installing gaskets on pumps and valves. There is evidence that

some of the gaskets Decedent removed from pumps at Shop 31 were gaskets original to the pump (i.e., supplied by the pump manufacturer with the pump). There is evidence that Crane Co. was aware that asbestos-containing gaskets would be used with its valves. There is evidence that Crane Co. sold some asbestos-containing gaskets. Importantly, however, there is no evidence that Decedent ever worked with (or was exposed to) a gasket that was manufactured or supplied by Defendant Crane Co., or used in connection with a Crane Co. pump or valves - much less that any such gasket contained asbestos. Therefore, even if South Carolina did not recognize the "bare metal defense" and instead held manufacturers liable for harms arising from gaskets used in connection with its products but not manufactured or supplied by it - an issue this Court need not consider - no reasonable jury could conclude from the evidence that Decedent was exposed to asbestos from gaskets manufactured or supplied by Defendant Crane Co, or used in connection with Crane Co. pumps or valves, such that it was a substantial cause of the development of his mesothelioma. Accordingly, summary judgment in favor of Defendant Crane Co. is warranted with respect to claims arising from land-based exposure to asbestos in connection with gaskets. Anderson, 477 U.S. at 248-50.

(b) Packing

There is evidence that Decedent worked removing and installing packing in valves. There is evidence that Decedent removed and replaced asbestos-containing packing from valves and that it would sometimes be a dusty process. There is evidence that Crane Co. valves were present in the area around Decedent. There is evidence that Crane Co. was aware that asbestos-containing packing would be used with its valves. There is evidence that Crane Co. sold some asbestos-containing packing. Importantly, however, there is no evidence that Decedent ever worked with (or was exposed to) packing that was manufactured or supplied by Defendant Crane Co., or used in connection with a Crane Co. valve or other product - much less that any such packing contained asbestos. Therefore, even if South Carolina did not recognize the "bare metal defense" and instead held manufacturers liable for harms arising from packing used in connection with its products but not manufactured or supplied by it - an issue this Court need not consider - no reasonable jury could conclude from the evidence that Decedent was exposed to asbestos from packing manufactured or supplied by Defendant Crane Co, or used in connection with Crane Co. pumps or valves such that it was a substantial cause of the development of his

mesothelioma. Accordingly, summary judgment in favor of Defendant Crane Co. is warranted with respect to claims arising from land-based exposure to asbestos in connection with packing. Anderson, 477 U.S. at 248-50.

(c) Insulation

There is evidence that Decedent worked with pumps and valves. There is evidence that Decedent removed asbestos-containing insulation from pumps and valves and that this was a dusty process. There is evidence that Crane Co. valves (and perhaps pumps) were present in the area around Decedent. Importantly, however, there is no evidence that Decedent ever worked with (or was exposed to) insulation that was manufactured or supplied by Defendant Crane Co., or used in connection with a Crane Co. pump or valves - much less that any such insulation contained asbestos. Therefore, even if South Carolina did not recognize the "bare metal defense" and instead held manufacturers liable for harms arising from insulation used in connection with its products but not manufactured or supplied by it - an issue this Court need not consider - no reasonable jury could conclude from the evidence that Decedent was exposed to asbestos from insulation manufactured or supplied by Defendant Crane Co, or used in connection with Crane Co. pumps or valves, such that it was a substantial cause of the development of his mesothelioma. Accordingly, summary judgment in favor of Defendant Crane Co. is warranted with respect to claims arising from land-based exposure to asbestos in connection with insulation. Anderson, 477 U.S. at 248-50.

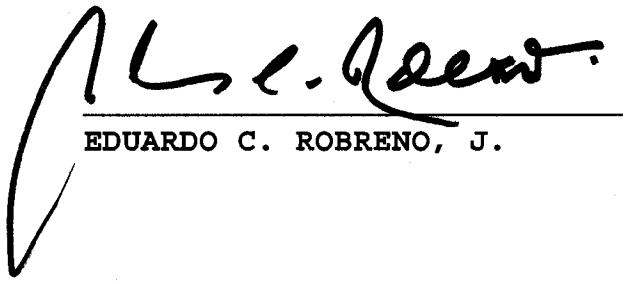
D. Conclusion

Summary judgment in favor of Defendant Crane Co. on grounds of the government contractor defense is denied.

Summary judgment in favor of Defendant Crane Co. is granted with respect to claims arising from asbestos exposure alleged to have occurred aboard ships because Plaintiff has failed to identify sufficient evidence to support a finding of causation with respect to any product for which Defendant could be liable under maritime law.

Summary judgment in favor of Defendant Crane Co. is also granted with respect to claims arising from asbestos exposure alleged to have occurred in machine shops on land

AND IT IS SO ORDERED.



EDUARDO C. ROBRENO, J.

---

because Plaintiff has failed to identify sufficient evidence to support a finding of causation with respect to any product for which Defendant could be liable under South Carolina law.