



proximity to Slabey and his co-workers from the maintenance department as they worked on boilers, which were wrapped in insulation.

Although Slabey testified as to the presence of Crane pumps in the hospital, and specifically in proximity to Plaintiff, he did not identify the manufacturer of any external insulation or paste he saw used on the pumps. He also lacked knowledge of the pumps' maintenance histories, and did not identify Crane as the manufacturer of any gaskets he removed or replaced.

Product identification witness David Raschke also identified Crane pumps, as well as Jenkins valves. Raschke had participated in removing and replacing packing and gaskets from them, but was also unaware of the maintenance histories of the products he worked on. He identified Commercial Heating, not Crane, as a supplier of replacement gaskets, and did not know if Crane supplied any replacement gaskets or packing.

The final product identification witness, Slabey's co-worker Edward Wise, was a house engineer who spent much of his time in the boiler room. Wise recounted replacing packing in Westinghouse pumps, and repacking valves with Slabey. After some prompting questions by Plaintiff's counsel, Wise acknowledged the presence of Crane valves in the hospital, but could not testify as to the maintenance history of the Crane products or establish that the packing, insulation, or gaskets removed or replaced in the Crane valves were manufactured

by Crane. He identified Chesterton as the manufacturer of the replacement packing.

Under Connecticut law, in an asbestos products liability case, a plaintiff is required to show that a particular defendant's product was used as the plaintiff's job site, and that the plaintiff was in proximity to that product at the time of use.<sup>1</sup> The plaintiff "must produce evidence sufficient to support an inference that [she] inhaled asbestos dust from the defendant's product."<sup>2</sup>

Even considering the record in the light most favorable to Plaintiff, the evidence fails to raise a factual question as to whether she inhaled asbestos dust from any Crane product. Neither the deposition testimony nor the evidence supplied by Plaintiff indicating that certain Crane products contained asbestos establishes that Taska was exposed to asbestos emanating from an original Crane component, or that she was exposed to asbestos from the original Crane-supplied gasket or packing of a pump or valve, or that Crane manufactured or supplied insulation, gaskets, packing, or any other asbestos-containing components removed from or replaced in the Crane valves and pumps in use at the hospital. As currently articulated, Connecticut's causation standard requires evidence that the plaintiff inhaled "*dust from the defendant's product.*"<sup>3</sup> Although Plaintiff has laid out

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<sup>1</sup> *Cormier v. 3M Corp.*, 2005 WL 407641, at \*2 (Conn. Super. Ct. Jan. 12, 2005).

<sup>2</sup> *Id.* (quoting *Peerman v. Georgia-Pacific Corp.*, 35 F.2d 284, 287 (7th Cir. 1994)).

<sup>3</sup> *Id.* (emphasis added).

