

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**CHARLES LEMUEL ARBOGAST, JR.,
et al.,
Plaintiffs**

v.

CIVIL NO. JKB-14-4049

**A.W. CHESTERTON CO. et al.,
Defendants**

* * * * *

MEMORANDUM

Plaintiffs, who are husband and wife Charles Lemuel Arbogast, Jr., and Barbara Arbogast, sued twenty-seven defendants—of whom twenty-four remain in the case—and alleged they, as manufacturers and/or distributors of various products, caused Charles Arbogast to be exposed to asbestos, which led to his diagnosis of mesothelioma. (Compl., ECF No. 2.) The complaint contains four counts, including Count I – strict liability, Count II – negligence, Count III – aiding and abetting and conspiracy, and Count IV – loss of consortium. Plaintiffs demand compensatory damages in excess of \$75,000.

Various motions are pending that, if granted, will streamline the case considerably. Plaintiffs have stated they do not oppose the motions, or parts thereof, that are subject of this memorandum. (See Pls.’ Opp’n to CBS’s Mot. Summ. J. 3 n.1 (ECF No. 493); Pls.’ Opp’n to Crane Co.’s Mot. Summ. J. 3 n.1 (ECF No. 494); Pls.’ Opp’n to Georgia-Pacific’s Mot. Summ. J. 3 n.1 (ECF No. 495); Pls.’ Opp’n to Union Carbide’s Mot. Summ. J. 4 n.1 (ECF No. 496); Pls.’ Opp’n to Foster Wheeler’s Mot. Summ. J. 3 n.1 (ECF No. 498); Pls.’ Opp’n to MCIC’s Mot. Summ. J. 3 n.1 (ECF No. 499); Pls.’ Let. 2-3 (ECF No. 503).) In addition, Plaintiffs have

not offered any evidence of aiding and abetting and conspiracy in opposition to any motion for summary judgment. (See Pls.' Opp'n to GE's Mot. Summ. J. (ECF No. 497); Pls.' Opp'n to Eaton's Mot. Summ. J. (ECF No. 501).) The Court infers, then, that Plaintiffs are not pursuing those claims against any Defendant and will grant partial judgment on that basis. If Plaintiffs believe the Court's view as to their aiding and abetting and conspiracy claims is in error, then they may file a motion with supporting evidence asking for a revision of this ruling.

As a result of the various rulings made today, the following Defendants remain in the case: CBS Corporation of Delaware; Crane Company; Eaton Corporation; Foster Wheeler, LLC; Foster Wheeler Energy Corporation; General Electric Company; Georgia-Pacific, LLC; Goodyear Tire & Rubber Company; MCIC, Inc.; Metropolitan Life Insurance Company; Schneider Electric USA, Inc.; Sepco Corporation (but subject to automatic bankruptcy stay); Union Carbide Corporation; and Uniroyal Holding, Inc.. A separate order will enter.

DATED this 5th day of May, 2016.

BY THE COURT:

/s/
James K. Bredar
United States District Judge