

Circuit in accordance with 28 U.S.C. § 1292(b). Also before me is a joint motion for voluntary dismissal filed by plaintiff and defendant Crown Cork & Seal Company.

Discussion

Because CBS's motion for reconsideration makes no new legal or factual arguments that convince me that my prior decision was in error, the motion for reconsideration will be denied.

I am also denying CBS's motion to certify this issue for interlocutory appeal. It has "long been the policy of the courts to discourage piece-meal appeals." *White v. Nix*, 43 F.3d 374, 376 (8th Cir.1994) (citing *Control Data Corp. v. International Business Machs. Corp.*, 421 F.2d 323, 325 (8th Cir. 1970)). Motions to certify issues for interlocutory appeal should be "granted sparingly and with discrimination." *Id.* A district court should grant certification only where: (1) the order involves a controlling question of law; (2) there is substantial ground for difference of opinion; and (3) certification will materially advance the ultimate termination of the litigation. *Id.* at 377 (citing *Paschall v. Kansas City Star, Co.*, 605 F.2d 403, 406 (8th Cir.1979)).

Here, certification will not materially advance the ultimate termination of the litigation. There are currently approximately twenty defendants in this matter, each of whom may or may not be liable for plaintiff's asbestos exposure. If CBS

were ultimately dismissed due only to lack of personal jurisdiction, it would not change the course of the case except to potentially delay resolution. While a dismissal of CBS would obviously advance the case as to that defendant, an interlocutory appeal would only prolong the ultimate resolution of the action. *See White*, 43 F.3d at 376 (8th Cir.1994) (Section 1292(b) should be used only in “exceptional cases where a decision on appeal may avoid protracted and expensive litigation”).

Accordingly,

IT IS HEREBY ORDERED that defendant CBS Corporation’s motion for reconsideration or for certification for interlocutory appeal [225] is **DENIED**.

IT IS FURTHER ORDERED that the joint motion for voluntary dismissal [244] is **GRANTED**, and this case is dismissed with prejudice as to Crown Cork & Seal Company only.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 19th day of September, 2016.