

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Jane E Miller,)
As personal representative of the Estate of)
Robert Wesley Miller,)

Plaintiff,)

v.)

JUDGMENT

3M Company, AGCO Corporation, Alfa Laval, Inc.)
Armstrong International, Inc., Blackmer Pump)
Company, Borg-Warner Morse Tec, Inc.,)
Cameron International Corporation,)
Caterpillar, Inc., CNH America LLC,)
Crane Co., Crane Environmental, Inc.,)
Crown Cork & Seal Company, Inc., Cummins, Inc.,)
Dana Companies LLC, Deere & Company,)
Dover Corporation, Eaton Corporation,)
FMC Corporation, Ford Motor Company,)
Formosa Plastics Corporation U.S.A.,)
General Electric Company,)
Genuine Parts Company, Georgia-Pacific LLC,)
The Goodyear Tire & Rubber Company,)
Goulds Pumps, Inc., Hennessy Industries, Inc.,)
Honeywell International, Inc.,)
Hopeman Brothers Inc., IMO Industries, Inc.,)
Ingersoll Rand Company, ITT Corporation,)
J-M Manufacturing Company,)
J.T. Thorpe & Son, Inc., Kelsey-Hayes Company,)
Maremont Corporation,)
M. Slayen and Associates, Inc.)
Metropolitan Life Insurance Company,)
NACCO Materials Handling Group, Inc.)
Navistar, Inc., Paccar, Inc.,)
Parker-Hannifin Corporation, Pneumo Abex LLC,)
RT Vanderbilt Company, Inc.,)
Union Carbide Corporation, Warren Pumps, LLC,)
Weir Valves & Controls USA, Inc.,)
The William Powell Company,)
Yarway Corporation,)
Defendants.)

5:12-CV-620-BR

Decision by Court.

IT IS ORDERED, ADJUDGED AND DECREED, in accordance with the court's orders entered April 25, 2013, December 5, 2013, December 30, 2013, January 14, 2014, February 28, 2014, April 9, 2014, April 21, 2014, May 6, 2014, May 14, 2014, May 15, 2014, May 19, 2014, June 3, 2014, June 27, 2014, July 7, 2014, July 8, 2014, July 9, 2014, September 8, 2014, September 9, 2014 and September 22, 2014 and for the reasons set forth more specifically therein, that:

- (1) The joint motion to dismiss plaintiff's claims against defendant Warren Pumps, LLC is **ALLOWED** and plaintiff's claims against defendant Warren Pumps, LLC are hereby **DISMISSED WITHOUT PREJUDICE**. [DE#271]
- (2) The motion to dismiss plaintiff's claims against defendant Honeywell International, Inc. is **ALLOWED** and plaintiff's claims against defendant Honeywell International, Inc. are **DISMISSED WITH PREJUDICE**. [DE#320]
- (3) The motion to dismiss plaintiff's claims against defendant Union Carbide Corporation is **ALLOWED** and plaintiff's claims against defendant Union Carbide Corporation are hereby **DISMISSED WITHOUT PREJUDICE**. [DE#335]
- (4) The motion to dismiss plaintiff's claims against defendants Blackmer Pump Company and Dover Corporation is **ALLOWED** and plaintiff's claims against defendants Blackmer Pump Company and Dover Corporation are hereby **DISMISSED WITHOUT PREJUDICE**. [DE#339]
- (5) The joint motion to dismiss plaintiff's claims against defendant Hennessy Industries, Inc. is **ALLOWED** and plaintiff's claims against defendant Hennessy Industries, Inc. are hereby **DISMISSED WITHOUT PREJUDICE**. [DE#340]
- (6) The joint motion to dismiss plaintiff's claims against defendant Cummins, Inc. is **ALLOWED** and plaintiff's claims against defendant Cummins, Inc. are hereby **DISMISSED WITHOUT PREJUDICE**. [DE#341]
- (7) The joint motion to dismiss plaintiff's claims against defendant J.T. Thorpe & Son, Inc. is **ALLOWED** and plaintiff's claims against defendant J.T. Thorpe & Son, Inc. are hereby **DISMISSED WITHOUT PREJUDICE**. [DE#342]
- (8) The motion to dismiss plaintiff's claims against defendant Hopeman Brothers, Inc. is **ALLOWED** and plaintiff's claims against defendant Hopeman Brothers, Inc. are hereby **DISMISSED WITHOUT PREJUDICE**. [DE#352]
- (9) The joint motion to dismiss plaintiff's claims against defendant Eaton Corporation is **ALLOWED** and plaintiff's claims against defendant Eaton Corporation are hereby **DISMISSED WITHOUT PREJUDICE**. [DE#368]
- (10) The joint motion to dismiss plaintiff's claims against defendant Georgia-Pacific LLC is **ALLOWED** and plaintiff's claims against defendant Georgia-Pacific LLC are hereby **DISMISSED WITHOUT PREJUDICE**. [DE#369]
- (11) The joint motion to dismiss plaintiff's claims against defendant Cameron

International Corporation is ALLOWED and plaintiff's claims against defendant Cameron International Corporation are hereby DISMISSED WITHOUT PREJUDICE. [DE#374]

- (12) The joint motion to dismiss plaintiff's claims against defendant Vanderbilt Minerals LLC (formerly known as RT Vanderbilt Company, Inc) is ALLOWED and plaintiff's claims against defendant Vanderbilt Minerals LLC (formerly known as RT Vanderbilt Company, Inc) are hereby DISMISSED WITHOUT PREJUDICE. [DE#381]
- (13) The motion to dismiss plaintiff's claims against defendant The Goodyear Tire & Rubber Company is ALLOWED and plaintiff's claims against defendant The Goodyear Tire & Rubber Company are hereby DISMISSED WITHOUT PREJUDICE. [DE#382]
- (14) The motion to dismiss plaintiff's claims against defendant Formosa Plastics Corporation U.S.A. is ALLOWED and plaintiff's claims against defendant Formosa Plastics Corporation U.S.A. are hereby DISMISSED WITHOUT PREJUDICE. [DE#383]
- (15) The motion to dismiss plaintiff's claims against defendant J-M Manufacturing Company is ALLOWED and plaintiff's claims against defendant J-M Manufacturing Company are hereby DISMISSED WITHOUT PREJUDICE. [DE#384]
- (16) The joint motion to dismiss plaintiff's claims against defendant Ford Motor Company is ALLOWED and plaintiff's claims against defendant Ford Motor Company are hereby DISMISSED WITHOUT PREJUDICE. [DE#385]
- (17) The motion to dismiss plaintiff's claims against defendant NACCO Materials Handling Group, Inc. is ALLOWED and plaintiff's claims against defendant NACCO Materials Handling Group, Inc. are hereby DISMISSED WITHOUT PREJUDICE. [DE#386]
- (18) The motion to dismiss plaintiff's claims against defendant Deere & Company is ALLOWED and plaintiff's claims against defendant Deere & Company are hereby DISMISSED WITHOUT PREJUDICE. [DE#387]
- (19) The joint motion to dismiss plaintiff's claims against defendant Maremont Corporation is ALLOWED and plaintiff's claims against defendant Maremont Corporation are hereby DISMISSED WITHOUT PREJUDICE. [DE#388]
- (20) The joint motion to dismiss plaintiff's claims against defendant Genuine Parts Company is ALLOWED and plaintiff's claims against defendant Genuine Parts Company are hereby DISMISSED WITHOUT PREJUDICE. [DE#389]
- (21) The motion to dismiss plaintiff's claims against defendant CNH America LLC is ALLOWED and plaintiff's claims against defendant CNH America LLC are hereby DISMISSED WITHOUT PREJUDICE. [DE#417]
- (22) The joint motion to dismiss plaintiff's claims against defendant Armstrong International, Inc. is ALLOWED and plaintiff's claims against defendant Armstrong International, Inc. are hereby DISMISSED WITHOUT PREJUDICE. [DE#418]

- (23) The motion to dismiss plaintiff's claims against defendant Kelsey-Hayes Company is ALLOWED and plaintiff's claims against defendant Kelsey-Hayes Company are hereby DISMISSED WITHOUT PREJUDICE. [DE#419]
- (24) The motion to dismiss plaintiff's claims against defendant AGCO Corporation is ALLOWED and plaintiff's claims against defendant AGCO Corporation are hereby DISMISSED WITHOUT PREJUDICE. [DE#420]
- (25) The motion to dismiss plaintiff's claims against defendant Alfa Laval, Inc. is ALLOWED and plaintiff's claims against defendant Alfa Laval, Inc. are hereby DISMISSED WITHOUT PREJUDICE. [DE#421]
- (26) The motion to dismiss plaintiff's claims against defendant Weir Valves & Controls USA, Inc. is ALLOWED and plaintiff's claims against defendant Weir Valves & Controls USA, Inc. are hereby DISMISSED WITHOUT PREJUDICE. [DE#422]
- (27) The motion to dismiss plaintiff's claims against defendant Crane Co. is ALLOWED and plaintiff's claims against defendant Crane Co. are hereby DISMISSED WITHOUT PREJUDICE. [DE#423]
- (28) The motion to dismiss plaintiff's claims against defendant Crane Environmental, Inc. is ALLOWED and plaintiff's claims against defendant Crane Environmental, Inc. are hereby DISMISSED WITHOUT PREJUDICE. [DE#424]
- (29) The motion to dismiss plaintiff's claims against defendant The William Powell Company is ALLOWED and plaintiff's claims against defendant The William Powell Company are hereby DISMISSED WITHOUT PREJUDICE. [DE#425]
- (30) Defendants Caterpillar, Inc., Crown Cork & Seal Company, Inc., Dana Companies LLC, FMC Corporation, Goulds Pumps, Inc., ITT Corporation, Ingersoll Rand Company, McNally Industries, LLC, Paccar, Inc., Parker-Hannifin Corporation, Pneumo Abex LLC, and Carlisle Industrial Brake & Friction's motions for summary judgment are ALLOWED and plaintiff's claims against defendants Caterpillar, Inc., Crown Cork & Seal Company, Inc., Dana Companies LLC, FMC Corporation, Goulds Pumps, Inc., ITT Corporation, Ingersoll Rand Company, McNally Industries, LLC, Paccar, Inc., Parker-Hannifin Corporation, Pneumo Abex LLC, and Carlisle Industrial Brake & Friction are hereby DISMISSED WITH PREJUDICE. Additionally, all cross-claims against defendant Parker-Hannifin Corporation are DISMISSED WITH PREJUDICE. [DE#426]
- (31) Defendant Borg-Warner Morse Tec, Inc.'s motion for summary judgment is ALLOWED. Plaintiff's claims against Borg-Warner Morse Tec, Inc. are dismissed WITH PREJUDICE. [DE#427]
- (32) The joint motion to dismiss plaintiff's claims against defendant IMO Industries, Inc. is ALLOWED and plaintiff's claims against defendant IMO Industries, Inc. are hereby DISMISSED WITHOUT PREJUDICE. To the extent that any cross-claims by Defendant IMO Industries, Inc. exist, those cross-claims are also hereby dismissed. [DE#439]
- (33) The motion to dismiss plaintiff's claims against defendant General Electric Company is ALLOWED and plaintiff's claims against defendant General Electric

Company are hereby DISMISSED WITH PREJUDICE. [DE#440]

- (34) The motion to dismiss plaintiff's claims against defendant Navistar, Inc. is ALLOWED and plaintiff's claims against defendant Navistar, Inc. are hereby DISMISSED WITH PREJUDICE. [DE#441]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the order entered September 22, 2014 [DE#442] and for the reasons set forth more specifically therein that to the extent that any claims, including crossclaims and counterclaims, remain, such claims are DISMISSED WITHOUT PREJUDICE. This case is closed.

This judgment filed and entered on September 22, 2014, and served on:

Tiffany N. Dickenson (via CM/ECF Notice of Electronic Filing)
Kevin W. Paul (via CM/ECF Notice of Electronic Filing)
Janet Ward Black (via CM/ECF Notice of Electronic Filing)
Jeff A. Kadis (via CM/ECF Notice of Electronic Filing)
Dawn T. Mistretta (via CM/ECF Notice of Electronic Filing)
Stanley B. Green (via CM/ECF Notice of Electronic Filing)
Tracy E. Tomlin (via CM/ECF Notice of Electronic Filing)
Timothy Peck (via CM/ECF Notice of Electronic Filing)
Joan S. Dinsmore (via CM/ECF Notice of Electronic Filing)
Mark E. Anderson (via CM/ECF Notice of Electronic Filing)
Robert F. Redmond , Jr.(via CM/ECF Notice of Electronic Filing)
Clement D. Carter (via CM/ECF Notice of Electronic Filing)
Jeremy Canipe (via CM/ECF Notice of Electronic Filing)
John A. Gardner , III (via CM/ECF Notice of Electronic Filing)
Mark H. Wall (via CM/ECF Notice of Electronic Filing)
Charles M. Sprinkle , III (via CM/ECF Notice of Electronic Filing)
Moffatt G. McDonald (via CM/ECF Notice of Electronic Filing)
Scott E. Frick (via CM/ECF Notice of Electronic Filing)
William David Conner (via CM/ECF Notice of Electronic Filing)
Kelly Brooks Jones (via CM/ECF Notice of Electronic Filing)
Martin A. Conn (via CM/ECF Notice of Electronic Filing)
Timothy W. Bouch (via CM/ECF Notice of Electronic Filing)
Raja S. Mishra (via CM/ECF Notice of Electronic Filing)
Richard T. Boyette (via CM/ECF Notice of Electronic Filing)
Laura E. Dean (via CM/ECF Notice of Electronic Filing)
Peter A. Santos (via CM/ECF Notice of Electronic Filing)
Christopher R. Kiger (via CM/ECF Notice of Electronic Filing)
Kirk G. Warner (via CM/ECF Notice of Electronic Filing)
Daniel B. White (via CM/ECF Notice of Electronic Filing)
Sarah M. Bowman (via CM/ECF Notice of Electronic Filing)
Jennifer M. Techman (via CM/ECF Notice of Electronic Filing)
Heather Bell Adams (via CM/ECF Notice of Electronic Filing)

Kenneth Kyre , Jr. (via CM/ECF Notice of Electronic Filing)
John E. Spainhour (via CM/ECF Notice of Electronic Filing)
H. Lee Davis , Jr.(via CM/ECF Notice of Electronic Filing)
Joshua H. Bennett (via CM/ECF Notice of Electronic Filing)
Stephanie G. Flynn (via CM/ECF Notice of Electronic Filing)
John T. Holden (via CM/ECF Notice of Electronic Filing)
Joseph L. Nelson (via CM/ECF Notice of Electronic Filing)
Stephen Royce Jackson (via CM/ECF Notice of Electronic Filing)
Carter T. Lambeth (via CM/ECF Notice of Electronic Filing)
William P Early (via CM/ECF Notice of Electronic Filing)
Keith E. Coltrain (via CM/ECF Notice of Electronic Filing)
William Michael Starr (via CM/ECF Notice of Electronic Filing)
Stephen D. Martin (via CM/ECF Notice of Electronic Filing)
Thomas Carlton Younger , III (via CM/ECF Notice of Electronic Filing)
Gary S. Parsons (via CM/ECF Notice of Electronic Filing)
Gavin B. Parsons (via CM/ECF Notice of Electronic Filing)
Hatcher B. Kincheloe (via CM/ECF Notice of Electronic Filing)
David B. Oakley (via CM/ECF Notice of Electronic Filing)

September 22, 2014

/s/ Julie A. Richards,
Clerk of Court