

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

RHOADS INDUSTRIES, INC., et al	:	CIVIL ACTION
	:	
v.	:	NO. 15-921
	:	
SHORELINE FOUNDATION, INC., et al	:	

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RHOADS INDUSTRIES, INC., et al	:	CIVIL ACTION
	:	
v.	:	NO. 17-266
	:	
TRITON MARINE CONSTRUCTION CORP.	:	

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**ORDER**

**AND NOW**, this 10<sup>th</sup> day of March 2022, upon consideration of extensive briefing by the parties (Dkt. 17-366, Docs. 191, 192, 197, 199 and attachments); (Dkt. 15-921, Docs. 162, 172, 173, 175, 163, 176, 177, 179 and attachments), it is hereby **ORDERED** that Defendants’ Motions for Summary Judgment are, as set out in the attached Memorandum Opinion, **DENIED IN PART** and **GRANTED IN PART** as follows:

1. Defendants’ Motion for Summary Judgment on Plaintiff’s Alleged Lack of Expert Testimony on “Loss of Use” and Dry Dock 2’s “Special Purpose Property” Qualification (Dkt. 17-266, Docs. 191, 192) is **DENIED**.
2. Defendants’ Motion for Summary Judgment on Plaintiff’s Alleged Lack of Article III Standing for Property Damage Claims and Inability to Prove Causation (Dkt. 15-921, Doc. 162) is **DENIED**.
3. Defendants’ Motion for Summary Judgment on the Applicability of Derivative

Immunity, Government Contractor, and Abnormally Dangerous Activity Defenses (Dkt. 15-921, Docs. 163) is **GRANTED IN PART** and **DENIED IN PART**. Defendants' Motion is **GRANTED** as to the requested dismissal of Plaintiff's strict liability claims against Defendants Shoreline Foundation, Inc. and Triton Marine Construction Corp., in accordance with Pennsylvania's "abnormally dangerous activity" doctrine. Defendants' Motion is **DENIED** as to all remaining claims.

BY THE COURT:

/s/ David R. Strawbridge, USMJ  
DAVID R. STRAWBRIDGE  
UNITED STATES MAGISTRATE JUDGE