



COMPANY, CASHCO, INC.,  
CATERPILLAR, INC., CATERPILLAR  
GLOBAL MINING AMERICA, LLC, CBS  
CORPORATION, AS SUCCESSOR BY  
MERGER TO CBS CORP.;  
CERTAINTEED CORPORATION, CLARK  
EQUIPMENT COMPANY, CLARK  
RELIANCE CORPORATION, AND ITS  
DIVISION JERGUSON GAGE AND  
VALVE; CLEAVER-BROOKS, CLYDE  
UNION, INC., INDIVIDUALLY AND AS  
SUCCESSOR-BY-MERGER TO UNION  
PUMP COMPANY; COLUMBUS  
MCKINNON CORP., SUCCESSOR-BY-  
MERGER TO LIFT TECH  
INTERNATIONAL, INC., AND ITS  
SHAW-BOX HOIST DIVISION;  
CORNING INCORPORATED, ON  
BEHALF OF ITS FORMER CORHART  
REFRATORIES BUSINESS DIVISION;  
CRANE COMPANY, INC., CROSBY  
VALVE, LLC, CUMMINS, INC., DANA  
COMPANIES, LLC, DANIELI  
CORPORATION, DAP, INC, DEZURIK,  
INC., DICK CORPORATION, DRAVO  
CORPORATION, EATON  
CORPORATION, AS SUCCESSOR-IN-  
INTEREST TO CUTLER-HAMMER, INC.;  
EICHLEAY CORPORATION,  
ELECTROLUX HOME PRODUCTS INC.,  
ELLIOTT COMPANY, EMERSON  
CLIMATE TECHNOLOGIES, INC., IN ITS  
OWN RIGHT AND AS SUCCESSOR-IN-  
INTEREST TO ALCO VALVE  
COMPANY; FLOWSERVE  
CORPORATION, FLOWSERVE  
CORPORATION, FLOWSERVE US INC.,  
SOLELY AS SUCCESSOR TO  
NORDSTROM AUDCO, EDWARD  
VALVES INC., NORDSTROM VALVES,  
INC., AND ROCKWELL  
MANUFACTURING COMPANY;  
FLOWSERVE US INC., SUCCESSOR TO  
VALTEK INTERNATIONAL; FLSMIDTH  
DORR-OLIVER, INC., AS SUCCESSOR-  
IN-INTEREST TO KEELER/DORR-

OLIVER BOILER COMPANY;  
FLSMIDTH, INC., FMC CORPORATION,  
FORD MOTOR COMPANY, FOSTER  
WHEELER LLC, GARDNER DENVER,  
INC., GENERAL ELECTRIC COMPANY,  
GENUINE PARTS COMPANY, GOULD  
ELECTRONICS, INC., GREENE TWEED  
& COMPANY, GOULDS PUMPS, LLC,  
GRINNELL, LLC, GUARD LINE, INC.,  
HONEYWELL, INC., HONEYWELL  
INTERNATIONAL, INC., AS  
SUCCESSOR-IN-INTEREST TO THE  
BENDIX CORPORATION; HONEYWELL  
INTERNATIONAL, INC., IN ITS OWN  
RIGHT AND AS SUCCESSOR-IN-  
INTEREST TO ALLIED CORPORATION  
(WILPUTTE COKE OVEN DIVISION),  
AND AS SUCCESSOR-IN-INTEREST TO  
ALLIED CHEMICAL (WILPUTTE COKE  
OVEN DIVISION), AND AS SUCCESSOR-  
IN-INTEREST TO WILPUTTE COKE  
OVEN CORPORATION; HOWDEN  
NORTH AMERICA, INC., HUNTER  
SALES CORPORATION, HYSTER-YALE  
GROUP, INC., I.U. NORTH AMERICA,  
INC., AS SUCCESSOR BY MERGER TO  
THE GARP COMPANY, FORMERLY  
KNOWN AS THE GAGE COMPANY,  
FORMERLY KNOWN AS THE GAGE  
COMPANY, FORMERLY KNOWN AS  
PITTSBURGH GAGE AND SUPPLY  
COMPANY; IMO INDUSTRIES, INC.,  
INDUCTOTHERM INDUSTRIES, INC.,  
INDUSTRIAL RUBBER PRODUCTS,  
INGERSOLL-RAND CORPORATION, ITT  
INDUSTRIES, INC., JOHNSON  
CONTROLS, INC., JOY GLOBAL  
SURFACE MINING, INC., JOY GLOBAL  
UNDERGROUND MINING, LLC,  
KELSEY-HAYES COMPANY, LEEDS &  
NORTHROP COMPANY, LINDBERG,  
LINDBERG MPH, M.S. JACOBS &  
ASSOCIATES, INC., MACK TRUCKS,  
INC., MAGNETEK, INC., M.V.S.  
COMPANY, MALLINCKRODT US  
HOLDINGS, LLC, MCCARLS, INC.,

MCMASTER CARR SUPPLY, MCNALLY INDUSTRIES, LLC, IN ITS OWN RIGHT AND ITS NORTHERN PUMPS DIVISION, IN ITS OWN RIGHT; MCNEIL (OHIO) CORPORATION, MESTEK, INC., MET-PRO CORPORATION, AND ITS DEAN PUMP BRAND; MILWAUKEE VALVE COMPANY, MINE SAFETY APPLIANCE COMPANY, MINNOTTE CONTRACTING CORPORATION, MORGAN ENGINEERING SYSTEMS, INC., MOYNO, INC., MUELLER CO., LLC, MUELLER STEAM SPECIALTY, MW CUSTOM PAPERS, LLC, NAGLE PUMPS, INC., NAVISTAR, INC., NORTEK GLOBAL HVAC, LLC, AS SUCCESSOR BY MERGER TO REZNOR, LLC; NORTH AMERICAN MANUFACTURING CO., OSRAM SYLVANIA, INC., IN ITS OWN RIGHT AND AS SUCCESSOR-IN-INTEREST TO GTE PRODUCTS CORPORATION, THE CLARK CONTROLLER COMPANY AND A.O. SMITH CORPORATION; PECORA CORPORATION, PENNSYLVANIA POWER COMPANY, PENTAIR VALVES & CONTROLS, LLC, PNEUMO ABEX, LLC, AS SUCCESSOR-IN-INTEREST TO ABEX CORPORATION; POWER PIPING COMPANY, RCH NEW CO., II LLC, AN ALLEGED SUCCESSOR TO H.H. ROBERTSON COMPANY; READING CRANE AND ENGINEERING COMPANY, RESEARCH-COTTRELL, INC., REUNION INDUSTRIES, INC., RILEY POWER, INC., ROBBINS & MYERS, INC., ROBINSON FANS, INC., ROCKWELL AUTOMATION, INC., SUCCESSOR BY MERGER TO ALLEN BRADLEY CO; RUST ENGINEERING & CONSTRUCTION, INC., SAINT-GOBAIN ABRASIVES, INC., SAUER, INC., SCHNEIDER ELECTRIC USA, INC., SIEMENS INDUSTRY, INC., IN ITS OWN RIGHT, AND AS SUCCESSOR-IN-INTEREST TO I-T-E CIRCUIT BREAKER

COMPANY; SIMAKAS COMPANY, INC., SPIRAX SARCO, INC., SPX COOLING TECHNOLOGIES, INC., STERLING FLUID SYSTEMS (USA), LLC, SUNBEAM PRODUCTS, INC., AS SUCCESS-IN-INTEREST TO SUNBEAM CORPORATION; SUNDYNE, LLC, SURFACE COMBUSTION, SWINDELL-DRESSLER INTERNATIONAL COMPANY, THE GOODYEAR TIRE & RUBBER COMPANY, THE GORMAN-RUPP COMPANY, THE NASH ENGINEERING COMPANY, THE WILLIAM POWELL COMPANY, TRANE U.S. INC., IN ITS OWN RIGHT AND AS SUCCESSOR TO WESTINGHOUSE AIRBRAKE AND/OR WABCO; TRUMBELL INDUSTRIES, INC., TUTHILL CORPORATION, UB WEST VIRGINIA, INC., UNION CARBIDE CORPORATION, UNITED CONVEYOR CORPORATION, VELAN VALVE CORPORATION, VIKING PUMP, INC., W.W. GRAINGER, INC., WARREN PUMPS, LLC, WASHINGTON GROUP INTERNATIONAL, AND ALL ITS DOMESTIC SUBSIDIARIES INCLUDING THE BADGER COMPANY, INC.; WATSON MCDANIEL COMPANY, WATTS REGULATOR CO., WEIL-MCLAIN COMPANY, WHEELABRATOR AIR POLLUTION CONTROL, INC., WT/HRC CORPORATION, WTI RUST HOLDINGS, INC., YORK INTERNATIONAL CORPORATION, YUBA HEAT TRANSFER LLC, ZURN INDUSTRIES, INDUSTRIAL HOLDINGS CORPORATION, SURFACE COMBUSTION, LINDBERG, DICK CORPORATION, NORTEK GLOBAL HVAC, LLC, FLSMIDTH, INC., MARLEY-WYLAIN COMPANY, INCORRECTLY DESIGNATED AS WEIL-MCLAIN COMPANY; SIMAKAS COMPANY, INC., TRUMBULL INDUSTRIES, INC., UB WEST

VIRGINIA, INC., F/K/A/ UNION BOILER COMPANY; MW CUSTOM PAPERS, LLC, WT/HRC CORPORATION, WHEELABRATOR AIR POLLUTION CONTROL, INC., MVS COMPANY, SULZER PUMPS (US), INC., MESTEK, INC., MESTEK, INC., SULZER PUMPS (US), INC., GOULD ELECTRONICS, INC., MESTEK, INC., SULZER PUMPS SOLUTIONS, INC.,

Defendants,

### Memorandum Opinion

This case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A) and (B), and Rule 72 of the Local Rules for Magistrate Judges. On November 9, 2021, Judge Eddy issued a Report and Recommendation (ECF No. 1187) recommending that the Court dispose of Defendants' Motions for Summary Judgment as follows:

| <b>Motion for Summary Judgment filed by:</b>   | <b>Motion ECF No.:</b> | <b>Recommendation</b>                           |
|--|------------------------|---|
| M.S. JACOBS & ASSOCIATES, INC.   | 983 and 1010           | Granted   |
| FLOWSERVE US INC., SOLELY AS SUCCESSOR TO NORDSTROM AUDCO INC., EDWARD VALVES, INC., NORDSTROM VALVES, INC. AND ROCKWELL MANUFACTURING | 985                    | Granted   |
| ARMSTRONG INTERNATIONAL, INC.  | 1015                   | Granted   |
| THE NASH ENGINEERING COMPANY   | 1024                   | Denied without prejudice due to bankruptcy stay |
| HONEYWELL, INC.  | 1025                   | Denied  |
| THE WILLIAM POWELL COMPANY   | 1027                   | Granted   |
| CLYDE UNION, INC.  | 1030                   | Granted   |
| AIR & LIQUID SYSTEMS CORPORATION   | 1044                   | Denied  |

|   |      |                                    |
|---|------|------------------------------------|
| DCo LLC ( <i>f/k/a Dana Companies LLC</i> ) | 1046 | Granted in part and denied in part |
| I.U. NORTH AMERICA, INC                     | 1049 | Granted                            |
| ATWOOD & MORRILL CO., INC.                  | 1051 | Granted                            |
| VIKING PUMP, INC.                           | 1052 | Granted                            |
| GENERAL ELECTRIC COMPANY                    | 1063 | Granted in part and denied in part |
| DEZURIK, INC.                               | 1067 | Granted                            |
| ALFA LAVAL, INC.                            | 1073 | Granted                            |
| FMC CORPORATION                             | 1074 | Granted in part and denied in part |
| GARDNER DENVER, INC.                        | 1076 | Granted <sup>1</sup>               |
| HYSTER-YALE GROUP, INC.                     | 1079 | Granted                            |
| BW/IP, INC.                                 | 1084 | Granted                            |
| CLARK EQUIPMENT COMPANY                     | 1085 | Granted                            |

The parties were informed that written objections to the Report and Recommendation were due by November 23, 2021. No parties filed objections. Following *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order will be entered:

Judge Eddy's Report and Recommendation (ECF No. 1187) will be adopted as the Opinion of the Court.

Defendants' Motions for Summary Judgment will be disposed as follows:

| <b>Motion for Summary Judgment filed by:</b>   | <b>Motion ECF No.:</b> | <b>Disposition</b>                         |
|--|------------------------|--|
| M.S. JACOBS & ASSOCIATES, INC.   | 983 and 1010           | Granted                                    |
| FLOWSERVE US INC., SOLELY AS SUCCESSOR TO NORDSTROM AUDCO INC., EDWARD VALVES, INC., NORDSTROM VALVES, INC. AND ROCKWELL MANUFACTURING | 985                    | Granted                                    |
| ARMSTRONG INTERNATIONAL, INC.  | 1015                   | Granted                                    |
| THE NASH ENGINEERING   | 1024                   | Denied without prejudice due to bankruptcy |

<sup>1</sup> Clarified by Court Order Dated November 10, 2021. (ECF No. 1188).

|   |      |                                    |
|---|------|------------------------------------|
| COMPANY                                     |      | stay                               |
| HONEYWELL, INC.                             | 1025 | Denied                             |
| THE WILLIAM POWELL COMPANY                  | 1027 | Granted                            |
| CLYDE UNION, INC.                           | 1030 | Granted                            |
| AIR & LIQUID SYSTEMS CORPORATION            | 1044 | Denied                             |
| DCo LLC ( <i>f/k/a Dana Companies LLC</i> ) | 1046 | Granted in part and denied in part |
| I.U. NORTH AMERICA, INC                     | 1049 | Granted                            |
| ATWOOD & MORRILL CO., INC.                  | 1051 | Granted                            |
| VIKING PUMP, INC.                           | 1052 | Granted                            |
| GENERAL ELECTRIC COMPANY                    | 1063 | Granted in part and denied in part |
| DEZURIK, INC.                               | 1067 | Granted                            |
| ALFA LAVAL, INC.                            | 1073 | Granted                            |
| FMC CORPORATION                             | 1074 | Granted in part and denied in part |
| GARDNER DENVER, INC.                        | 1076 | Granted                            |
| HYSTER-YALE GROUP, INC.                     | 1079 | Granted                            |
| BW/IP, INC.                                 | 1084 | Granted                            |
| CLARK EQUIPMENT COMPANY                     | 1085 | Granted                            |

Judgment will be entered in favor of the following Defendants: M.S. JACOBS & ASSOCIATES, INC.; FLOWSERVE US INC., SOLELY AS SUCCESSOR TO NORDSTROM AUDCO INC., EDWARD VALVES, INC., NORDSTROM VALVES, INC. AND ROCKWELL MANUFACTURING; ARMSTRONG INTERNATIONAL, INC.; THE WILLIAM POWELL COMPANY ; CLYDE UNION, INC.; I.U. NORTH AMERICA, INC; ATWOOD & MORRILL CO., INC.; VIKING PUMP, INC.; DEZURIK, INC. ALFA LAVAL, INC.; GARDNER DENVER, INC.; HYSTER-YALE GROUP, INC.; BW/IP, INC.; and CLARK EQUIPMENT COMPANY.

This case will be referred to Chief Magistrate Judge Eddy with regard to the remaining defendants and remaining claims. As separate order will follow.



DATED this 2nd day of December, 2021.

BY THE COURT:

  
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MARILYN J. HORAN  
United States District Judge