

## WHOLE COURT

NOTICE: Motions for reconsideration must be *physically received* in our clerk's office within ten days of the date of decision to be deemed timely filed.  
<http://www.gaappeals.us/rules>

June 7, 2017

### In the Court of Appeals of Georgia

A15A0527. FLETCHER v. WATER APPLICATIONS JE-025  
DISTRIBUTION GROUP, INC. et al.

ELLINGTON, Presiding Judge.

The Supreme Court of Georgia affirmed in part and reversed in part our decision in this case as it concerned CertainTeed Corporation,<sup>1</sup> holding that, “[w]hile we conclude that CertainTeed owed no duty to warn Marcella Fletcher of the possible hazards of asbestos dust from its products, the Court of Appeals correctly reversed the

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<sup>1</sup> In *Fletcher v. Water Applications Distrib. Group, Inc.*, 333 Ga. App. 693 (773 SE2d 859) (2015), we held that the trial court erred in granting summary judgment in favor of the manufacturer, CertainTeed, on Fletcher’s design defect and negligent failure-to-warn claims. However, we affirmed the grant of summary judgment to the distributor, Water Applications Distribution Group, Inc., on Fletcher’s negligent failure-to-warn claim holding that a seller or a distributor does not have a continuing duty to warn. Fletcher sought a writ of certiorari to the Georgia Supreme Court challenging our opinion with respect to the distributor, which the Court denied.

trial court’s judgment with respect to Fletcher’s defective design claim.” *CertainTeed Co. v. Fletcher*, 300 Ga. 327 (794 SE2d 641) (2016). Accordingly, our ruling with respect to CertainTeed is vacated and the judgment of the Supreme Court is made the judgment of this Court.

*Judgment affirmed in part and reversed in part. Barnes, P. J., Dillard, P. J., McFadden, P. J., and Ray, McMillian and Reese, JJ., concur.*