



6 of 8 DOCUMENTS

VICTORIA LUND, INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO WILLIAM LUND deceased; DAVID LUND, an individual; and SHEILA LUND, an individual, as legal heirs of WILLIAM LUND, deceased, Plaintiffs, v. 3M Co. et al., Defendants.

Case No. 2:13-cv-02776-WGY

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

2015 U.S. Dist. LEXIS 99109

July 21, 2015, Decided

July 21, 2015, Filed

PRIOR HISTORY: *Lund v. 3M Co., 2013 U.S. Dist. LEXIS 93861 (C.D. Cal., July 3, 2013)*

Joshua R Shoumer, Foley and Mansfield PLLP, Los Angeles, CA.

COUNSEL: [*1] For Victoria Lund, an individual and as successor in interest to William Lund, deceased, Sheila Lund, an individual, as legal heirs of William Lund, deceased, Plaintiffs: Benno B Ashrafi, LEAD ATTORNEY, Josiah W Parker, Mark D Bratt, Weitz and Luxenberg PC, Los Angeles, CA; Alexandra Shef, Weitz and Luxenberg PC, Los Angeles, CA; Tyler Robert Stock, Manhattan Beach, CA.

For Crane Co, Defendant: Geoffrey M Davis, LEAD ATTORNEY, Bradley W Gunning, K&L Gates LLP, Los Angeles, CA; Kathleen L Beiermeister, PRO HAC VICE, Meagher and Geer PLLP, Scottsdale, AZ; Michael J Sechler, PRO HAC VICE, [*2] K&L Gates LLP, Pittsburgh, PA; William M Starr, PRO HAC VICE, Nelson Mullins Riley and Scarborough LLP, Charlotte, NC.

For David Lund, an individual, as legal heirs of William Lund, deceased, Plaintiff: Benno B Ashrafi, LEAD ATTORNEY, Mark D Bratt, Josiah W Parker, Weitz and Luxenberg PC, Los Angeles, CA; Alexandra Shef, Weitz and Luxenberg PC, Los Angeles, CA; Tyler Robert Stock, Manhattan Beach, CA.

For Electric Boat Corporation, General Dynamics Corporation, individually and as successor in interest to Electric Boat Company, Defendants: Charles S Park, Christina M Glezakos, Lisa M Rickenbacher, Hugo Parker, LLP, San Francisco, CA; Edward R Hugo, Shelley K Tinkoff, Brydon Hugo and Parker, San Francisco, CA; Gregory S Rosse, Hugo and Parker, San Francisco, CA; Jeffrey P Wilson, Jackson Jenkins Renstrom LLP, San Francisco, CA; Paul M Bessette.

For Blackmer Pump Company, Defendant: James P Cunningham, LEAD ATTORNEY, Tucker Ellis LLP, San Francisco, CA.

For BW IP Inc, individually and as successor in interest to Byron Jackson Pump Co, Defendant: Holly Acevedo, Keith M Ameele, Stephen J Foley, LEAD ATTORNEYS,

For Flowserve US Inc, individually and as successor in interest to Edward Valves Inc, Defendant: Anthony Dean Brosamle, Jenny-Anne S Flores, LEAD ATTORNEYS, Tucker Ellis LLP, Los Angeles, CA; Daniel J Kelly,

LEAD ATTORNEY, Tucker Ellis LLP, San Francisco, CA.

For Goulds Pumps Inc, Defendant: Michael J Pietrykowski, LEAD ATTORNEY, G. Jeff Coons, Gordon and Rees LLP, Oakland, CA; Glen R Powell, Gordon and Rees LLP, Los Angeles, CA.

For Hopeman Brothers Inc, individually and as successor in interest to Wayne Company, Defendant: Jonathan E Meislin, Robert S Kraft, LEAD ATTORNEYS, E Reno Cross, Bassi Edlin Huie and Blum LLP, San Francisco, [*3] CA.

For The Nash Engineering Company, The William Powell Company, Defendants: Arturo E Sandoval, Douglas G Wah, Khaled Taqi-Eddin, LEAD ATTORNEYS, Foley and Mansfield PLLP, Oakland, CA.

For Triple A Machine Shop Inc, Defendant: Arpi Galfayan, Prindle Amaro Goetz Hillyard Barnes and Reinholtz LLP, Long Beach, CA; Carla Lynn Crochet, Jeremy David Milbrodt, Prindle Amaro Goetz Hillyard Barnes and Reinholtz LLP, Long Beach, CA.

For Viad Corporation, formerly known as The Dial Corporation, individually and as successor in interest to Griscom-Russell Company, Defendant: Peter B Langbord, LEAD ATTORNEY, Anna K Milunas, Foley and Mansfield PLLP, Los Angeles, CA.

For Warren Pumps LLC, formerly known as Warren Pumps Inc, individually and as successor in interest to Quimby Pump Company, Defendant: Glen R Powell, Gordon and Rees LLP, Los Angeles, CA.

For Crosby Valve, LLC, Defendant: Kevin D Jamison, Rochelle R Iletto, Russell W Schatz, Jr, LEAD ATTORNEYS, Pond North LLP, Los Angeles, CA; Joseph Duffy, Morgan Lewis and Bockius LLP, Los Angeles, CA.

JUDGES: WILLIAM G. YOUNG, UNITED STATES DISTRICT JUDGE.

OPINION BY: WILLIAM G. YOUNG

OPINION

ORDER DENYING PLAINTIFFS' MOTION FOR

RECONSIDERATION REGARDING ORDER ON MOTION IN LIMINE TO [*4] EXCLUDE, ECF NO. 779, AND GRANTING CRANE CO.'S RENEWED MOTION FOR SUMMARY JUDGMENT, ECF NO. 790.

YOUNG, D.J.¹

1 Of the United States District Court for the District of Massachusetts, visiting judge for pre-trial purposes by order of Chief Judge George H. King. Order Chief Judge, May 1, 2014, ECF No. 431.

ORDER

On March 25, 2015, this Court held a motion hearing on defendant Crane Co.'s motion for summary judgment. Mins. Mot. Hr., ECF No. 757. Noting that a Daubert motion to exclude the testimony of the plaintiffs' experts was still pending, the Court denied Crane Co.'s motion without prejudice, stating that Crane Co. would win summary judgment if the Daubert motion were later granted. Mot. Hr. Tr. 17:1-11, ECF No. 758. The Court ultimately ruled in Crane Co.'s favor on the Daubert motion on April 7, 2015, excluding the testimony of the plaintiffs' experts that "each and every exposure" above background level was insufficient as matter of law. Order, ECF No. 764. In the wake of this order, Crane Co. has renewed its motion for summary judgment on causation grounds, while the plaintiffs have moved for reconsideration or clarification of the Daubert order. Def. Crane Co.'s Notice Mot. & Renewed [*5] Mot. Summ. J. Re: Causation, ECF No. 790; Mot. Clarification This Ct.'s Limine Order Barring Pls.' Experts Testifying That "Every Exposure" Asbestos Contributed Disease Risk & Mem. Pts. & Auths. ("Daubert Mot. Recons."), ECF No. 779.

The plaintiffs advance a myriad of arguments against Crane Co.'s renewed motion - for example, that the motion misconstrues the experts' opinions, that the standard they employ meets California's causation requirements, and that their non-expert evidence also proves causation - but all of these points are simply new iterations of arguments made in prior briefing relevant to Crane Co.'s Daubert motion and the original motion for summary judgment. Compare Pls.' Opp'n Crane Co.'s Renewed Mot. Summ. J. & Mem. Law Opp'n Crane Co.'s Renewed Mot. Summ. J. Re: Causation, ECF No. 803, with Pls.' Opp'n Crane Co.'s Mot. Summ. J. & Mem. Law

Opp'n Crane Co.'s Mot. Summ. J., ECF No. 682, and Pls.' Omnibus Opp'n Defs.' Mot. Limine Preclude Pl.'s Experts From Testifying That Def.'s Prod. Was Substantial Factor Causing Decedent's Injury, ECF No. 723. Moreover, many of the arguments are substantially identical to those advanced by the Plaintiffs' parallel motion seeking [*6] reconsideration of the Court's earlier Daubert ruling barring their experts' testimony. See Daubert Mot. Recons.

The Court's two chief statements relevant to the prior motion - that the experts' testimony was inadmissible and that Crane Co. would be entitled to summary judgment if it prevailed on its Daubert motion - were both based on a careful consideration of the record and of the briefing

from both sides. The plaintiffs' attempt to revivify previously rejected arguments does nothing to persuade the Court to depart from its earlier statements and rulings. Accordingly, the Court DENIES the plaintiffs' motion for clarification or reconsideration of the Daubert ruling, ECF No. 779, and GRANTS Crane Co.'s renewed motion for summary judgment, ECF No. 790.

SO ORDERED.

/s/ William G. Young

WILLIAM G. YOUNG

U.S. DISTRICT JUDGE