



News & Updates

APPLYING MARITIME LAW, DEFENDANTS' SUMMARY JUDGMENT MOTIONS DENIED IN CASE ALLEGING U.S. NAVY EXPOSURE

The plaintiff alleged he developed severe asbestosis as a result of inhaling asbestos while serving in the United States Navy. Three defendants — John Crane, General Electric, and Ingersoll-Rand — moved for summary judgment. In deciding the motion, the court determined whether maritime or Illinois law applied. A plaintiff's exposure in a products liability claim must meet both a locality test and a connection test in order to apply maritime law. The locality test analyzes whether the tort occurred on navigable water, or, if the injury was suffered on land, if it was caused by a vessel on navigable water. The connection test analyzes whether the incident has a potentially disruptive impact on maritime commerce, and whether the general character of the activity giving rise to the incident shows a substantial relationship to traditional maritime activity. Here, both of these tests were met.

Each defendant argued there was insufficient evidence of exposure to their products to satisfy causation. The plaintiff testified as to changing John Crane packing on valves in the engine room on the ship where he spent the majority of his service, the USS Franklin D. Roosevelt. Other witnesses also identified John Crane. The plaintiff also testified that General Electric turbines were on the Roosevelt. Although these turbines were covered with insulation, they did not have any insulation on them at the time they left GE's control. Finally, although the plaintiff did not testify regarding Ingersoll-Rand products, several other witnesses testified that Ingersoll-Rand regulators and pumps were in the boiler rooms of the Roosevelt and that they believed these were insulated with asbestos.

Further, both GE and Ingersoll-Rand argued they had no duty to warn because it supplied bare metal turbines, without insulating materials, to the Navy. However, the plaintiff provided evidence indicating that GE turbines and Ingersoll-Rand products both required asbestos-containing components to function properly.

Applying maritime law, the court stated: "Causation is established under maritime law by showing that (1) the plaintiff was exposed to the defendant's product and (2) the product was a substantial factor in causing the plaintiff's injury." Here, the record contained enough circumstantial evidence to create a genuine issue of material fact to deny each defendant's summary judgment. The court was also not convinced that manufacturers should avoid liability on a failure to warn theory if their products are designed to be used with asbestos-containing materials.

[Read the first decision here.](#)

[Read the second decision here.](#)

[Read the third decision here.](#)

If you have questions about how this decision may impact your business, please contact:

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