Press Release

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FOR IMMEDIATE RELEASE June 19, 2015

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WLF Opposes Imposition of Products Liability on Third Parties Who Did Not Manufacture Asbestos Products at Issue

(Suttner v. Crane Co.)

"…[I]t is black-letter product liability law that manufacturers are not liable for harms caused by others' products."
— Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) this week asked the New York Court of Appeals to overturn a disastrous lower court decision that held a valve manufacturer liable for failing to warn end users about asbestos dangers posed by replacement parts manufactured and installed by third parties. WLF filed a brief in conjunction with several civil justice and trade associations arguing that, under settled principles of product liability law, a manufacturer has no duty to warn where no evidence exists that it actively influenced what products should be used in connection with the product it placed into the stream of commerce.

The case arises from a wrongful death lawsuit brought by the Estate of Gerald Suttner against Crane Company (and others), alleging that Suttner was exposed to asbestos-containing materials when he served as a pipefitter for General Electric during the 1960s and 1970s. At trial, it was shown that Suttner's asbestos exposure came from handling replacement gaskets and packing for Crane's valves, not from the valve itself. Those replacement gaskets and packing were manufactured by third parties. Nonetheless, the trial court held, and the intermediate appeals court affirmed, that Crane's duty to warn extended to any foreseeable danger that "should have been known" in the exercise of reasonable care—including the danger that replacement gaskets containing asbestos might later be used. The jury awarded the plaintiff $3 million in damages.

WLF's brief was prepared with the pro bono legal assistance of Victor Schwartz and Mark Behrens, of the law firm Shook, Hardy & Bacon L.L.P.

After filing its brief, WLF issued the following statement by Senior Litigation Counsel Cory Andrews: "Ordinarily, manufacturers are named in asbestos cases in connection with asbestos that their *own* products contained—not to hold them liable for products *made by others*. Except in very limited circumstances not relevant here, it is black-letter product liability law that manufacturers are not liable for harms caused by others' products."

WLF is a public interest law firm and policy center that devotes substantial resources to advocating for free enterprise, individual rights, and a limited and accountable government.

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