

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN RE: ASBESTOS LITIGATION**

TAWNYA ARDIS,)
)
Plaintiff,)
)
v.)
) C.A. No. N13C-10-020 ASB
ARVINMERITOR, INC., et al.,)
)
Defendants.)
)
)
)
)

Decided: November 8, 2017

ORDER

*Upon Defendant ArvinMeritor's
Motion for Summary Judgment. GRANTED.*

Plaintiff, Tawnya Ardis, (“Plaintiff”) cannot satisfy the summary judgment criteria.¹ Plaintiff contends that her husband, James Ardis (“Mr. Ardis”) was exposed to asbestos while working as a mechanic at Coca-Cola Bottling Company in Alabama. Plaintiff alleges that Mr. Ardis was exposed to asbestos from performing brake work on some of the trucks while employed at Coca-Cola. Plaintiff contends that Mr. Ardis was exposed to asbestos from Defendant ArvinMeritor Inc.’s (as

¹ Super. Ct. Civ. R. 56; *Smith v. Advanced Auto Parts, Inc.*, 2013 WL 6920864, at *3 (Del. Super. Dec. 30, 2013); *see Moore v. Sizemore*, 405 A.2d 679, 680 (Del. 1979); *Nutt v. A.C. & S., Inc.*, 517 A.2d 690, 692 (Del. Super. Ct. 1986); *In re Asbestos Litigation (Helm)*, 2012 WL 3264925 (Del. Aug. 13, 2012).

successor to Rowell International Corp.) brakes. Plaintiff offered Theodore Stutts, a former co-worker of Mr. Ardis, as the product identification witness. Mr. Stutts identified working with Rockwell brand brakes. Defendant filed a Motion for Summary Judgment for numerous reasons. First, Defendant argues that Plaintiff's pre-1979 claims are barred under Alabama substantive law because under Alabama law all claims for pre-1979 exposure must be filed within one year of the date of last exposure. Plaintiffs do not contest this argument and therefore summary judgment is appropriate on the pre-1979 claims. As to the post-1979 claims, Defendant argues that Plaintiff's claims fail because Plaintiff cannot establish medical causation evidence. Plaintiff argues that Dr. Primavera's opinion is sufficient because "his considered opinion that Mr. Ardis' occupational exposure to asbestos containing products including Rockwell brakes was a significant factor and cause of Mr. Ardis' lung cancer." The Court finds that Plaintiff's claims fails for lack of medical causation. Plaintiff's report fails to connect Defendant's product to Mr. Ardis' injury.² Accordingly, Defendant's Motion for Summary Judgment is hereby **GRANTED.**

IT IS SO ORDERED.

/s/ Calvin L. Scott

The Honorable Calvin L. Scott, Jr.

² The Court also notes that Plaintiff's expert report was late.