IN THE SUPERIOR COURT OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY

IN RE: ASBESTOS LITIGATION

:

Limited to:

Truitt, Robert J. : C.A. No. 10C-06-072 ASB

UPON DEFENDANT BELL ASBESTOS MINES, LTD.'S MOTION FOR SUMMARY JUDGMENT GRANTED

This 6th day of October, 2011, it appears to the Court that:

- 1. Defendant Bell Asbestos Mines, Ltd. ("Bell") has moved for summary judgment in a lawsuit filed against it by Plaintiffs Robert J. Truitt ("Truitt") and his wife Carolyn. Truitt has been diagnosed with asbestosis and lung cancer and alleges that both conditions developed as a result of asbestos exposure during his employment at the DuPont nylon manufacturing plant in Seaford, Delaware ("the DuPont Seaford plant"). Plaintiffs instituted this action against numerous defendants that they claim manufactured, installed, supplied, or were otherwise associated with asbestos-containing products to which Truitt was exposed.
- 2. Bell is a Canadian corporation which admitted to mining and milling raw chrysotile asbestos fibers from Thetford Mines in Quebec, Canada. In or around 1963, Bell became the parent company of Atlas Asbestos Co., which sold spray insulation in the United States under the trade name "limpet" from 1967 to

¹ Def.'s Answers to Interrogatories.

1973.² Plaintiffs allege that the Canadian government has since broken the original Bell Asbestos Mines, Ltd. into two companies: moving defendant Bell and Atlas Turner, Inc. ("Atlas Turner")³ Plaintiffs further allege that it is not clear which of the two successor corporations should bear the liability for the alleged harm caused by the distribution of limpet spray insulation and that the two entities must therefore be held jointly liable.⁴

3. The facts and arguments presented by defendant Bell's motion for summary judgment are identical to those presented in Atlas Turner's motion for summary judgment in this case. This Court has granted Atlas Turner's motion for summary judgment.⁵ Given the corporate identity between Bell and Atlas Turner at the time when the harm was alleged to have occurred, the Court finds that Defendant Bell is entitled to summary judgment for the reasons set forth in its order granting summary judgment to Atlas Turner.

IT IS SO ORDERED.

/s/ Peggy L. Ableman, Judge

² Direct Examination of Leonard Falle, Date Unknown, attached to Pl.'s Combined Response to Defs' Atlas Turner, Inc. and Bell Asbestos Mines, Ltd.'s Mot. for Summary Judgment as Exhibit J, A-4 – A-10.

³ Pl.'s Combined Response to Atlas Turner, inc. and Bell Asbestos Mines, Ltd.'s Mot. for Summary Judgment at 7.

⁴ *Id*.

⁵ In re Asbestos Litig. (Truitt), 10C-06-072-ASB (Del. Super. Oct. 6, 2011) (ORDER).

Original to Prothonotary cc: All counsel via File & Serve

IT IS SO ORDERED.

Peggy L.	Ableman, Judge

Original to Prothonotary cc: All counsel via File & Serve