

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

SCAN

Present:

HON. THOMAS P. PHELAN,

Justice

TRIAL/IAS PART 9
NASSAU COUNTY

MICHAEL MANZI and ROSE A. MANZI,

ORIGINAL RETURN DATE:07/06/06
SUBMISSION DATE: 07/06/06

Plaintiff(s),

-against-

INDEX No.: 015565/05

ALLIS-CHALMERS CORPORATION PRODUCT
LIABILITY TRUST,

AMCHEM PRODUCTS, INC.,
n/k/a RHONE POULENC AG COMPANY,
n/k/a BAYER CROPSCIENCE INC.,

MOTION SEQUENCE #3

ANCHOR PACKING COMPANY,
BELL & GOSSETT COMPANY,
BUFFALO PUMPS, INC.,
BYRON JACKSON PUMPS,
CERTAINTED CORPORATION,
CRANE CO.,
DANA CORPORATION,
DURABLA MANUFACTURING COMPANY,
EMPIRE-ACE INSULATION MFG. CORP.,
FOSTER WHEELER, L.L.C.,
GARDNER DENVER, INC.,
GARLOCK SEALING TECHNOLOGIES LLC,
f/k/a GARLOCK INC.

GOULDS PUMPS, INC.,
IMO INDUSTRIES, INC.,
INGERSOLL-RAND COMPANY,
ITT INDUSTRIES, INC.,
J.H. FRANCE REFRACTORIES COMPANY,
KENTILE FLOORS, INC.,
OWENS-ILLINOIS, INC.,
PATTERSON PUMP COMPANY,
RAPID-AMERICAN CORPORATION,
U.S. RUBBER COMPANY (UNIROYAL),
UNION CARBIDE CORPORATION,
VIACOM INC.,

as successor by merger to CBS CORPORATION,
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,
VIAD CORP., as successor in interest to
GRISCOM RUSSEL CO.,
WARREN PUMPS, INC.,
MCNALLY INDUSTRIES, INC.,
as successor to the NORTHERN PUMP COMPANY,

Defendant(s).

The following papers read on this motion:

Notice of Motion.....	1
Defendant's Brief.....	2

Motion by defendant Gardner Denver, Inc. for an order pursuant to CPLR 3212 awarding it summary judgment dismissing plaintiffs' claims and any cross-claims asserted against movant is granted.

The within motion is unopposed and movant has provided uncontroverted evidence of its entitlement to the relief sought.

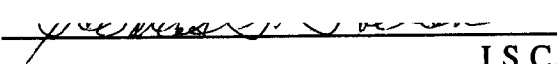
The title of this action is amended accordingly to delete defendant Gardner Denver, Inc. as a named party.

Dismissal is without costs.

All remaining parties are reminded that a certification conference is scheduled to be held before the undersigned on August 15, 2006 at 9:30 A.M.

This decision constitutes the order of the court.

Dated: 8-2-06

HON THOMAS P. PHELAN

 J.S.C.

Weitz & Luxenberg
Attorneys for Plaintiff
180 Maiden Lane, 17th Floor
New York, NY 10038

Nixon Peabody LLP
Attn: Joseph J. Ortego, Esq.
Santo Borruso, Esq.
Attorneys for Defendant Allis-Chalmers Corporation Product Liability Trust
990 Stewart Avenue
Garden City, NY 11570

Anderson, Kill, Olick and Oshinsky, PC
Attn: Judith Yavitz, Esq.
Attorneys for Defendants Amchem Products, Certainteed, Dana,
and Union Carbide
1251 Avenue of the Americas
New York, NY 10020

ENTERED
 AUG 07 2006
 NASSAU COUNTY
 COUNTY CLERK'S OFFICE

RE: MANZI v. ALLIS-CHALMERS, et al.

Page 3.

Segal, McCambridge, Singer & Mahoney
Attn: Theodore Eder, Esq.
Attorneys for Defendants Anchor Packing and Garlock Sealing
805 Third Avenue
New York, NY 10022

McGuire, Woods, LLP
Attn: Yvette Harmon, Esq.
Attorneys for Bell & Gossett and ITT Industries
1345 Avenue of the Americas, 7th Floor
New York, NY 10105

Wilbraham, Lawler & Buba
Attn: Edward Wilbraham, Esq.
Attorneys for Defendant Buffalo Pumps
1818 Market Street, Suite 3100
Philadelphia, PA 19103

L'Abbate, Balkan, Colavita & Contini, LLP
Attn: Marian Rice, Esq.
Attorneys for Defendant Byron Jackson Pumps
1050 Franklin Avenue
Garden City, NY 11530

Kilpatrick Lockhart Nicholson & Graham, LLP
Attn: Mike Waller, Esq.
Attorneys for Defendant Crane Co.
One Newark Plaza, 10th Floor
Newark, NJ 07102-5252

Harris Beach PLLC
Attn: William T. Miedel, Esq.
Attorneys for Defendants Gardner Denver and Kentile Floors
805 Third Avenue, 20th Floor
New York, NY 10022

Clemente, Mueller & Tobia
Attn: Lori Anne Fee, Esq.
Attorneys for Defendant Durabla Manufacturing
218 Ridgedale Avenue
P. O. Box 1296
Morristown, New Jersey 07962

RE: MANZI v. ALLIS-CHALMERS, et al.

Page 4.

Steve Kevelson, Esq.
Attorney for Defendant Empire Ace Insulation
One Cozine Avenue
Brooklyn, NY 11201

Sedgwick, Detert, Moran & Arnold
Attn: Michael A. Tanenbaum, Esq.
Attorneys for Defendant Foster Wheeler, LLC and McNally Industries
Three Gateway Center, 12th Floor
Newark, New Jersey 07102-5311

Malaby, Carlisle & Bradley, LLC
Attorneys for Defendants J.H. France Refractories Co.,
Warren Pumps and Viacom
150 Broadway
New York, NY 10038

Cullen & Dykman
Attn: John J. Fanning, Esq.
Attorneys for Defendant Goulds Pumps
177 Montague Street
Brooklyn, NY 11201

Leader & Berkon, LLP
Attn: Joseph Colao, Esq./Helen Chung, Esq.
Attorneys for Defendant IMO Industries
630 3rd Avenue, 17th Floor
New York, NY 10017

Pehlivanian & Braaten, LLC
Attn: Lisa M. Pascarella, Esq.
Attorneys for Defendant Ingersoll-Rand Co.
2430 Route 34, P. O. Box 648
Manasquan, NJ 08736

Schiff Hardin & Waite
Attn: Paul A. Scrudato, Esq.
Attorneys for Defendant Deere & Co. and Owens-Illinois
623 Fifth Avenue, Suite 2800
New York, NY 10022

RE: MANZI v. ALLIS-CHALMERS, et al.

Page 5.

McGivney, Kluger & Gannon, P.C.
Attn: Lawrence McGivney, Esq.
Attorneys for Defendant Patterson Pump
80 Broad Street, 23rd Floor
New York, NY 10004

Sonnenschein Nath & Rosenthal
Attn: Linda Yassky, Esq.
Attorneys for Rapid American Corporation
1221 Avenue of the Americas
New York, NY 10020

Greenfield, Stein & Senior
Attn: Norman Senior, Esq.
Attorneys for U.S. Rubber (Uniroyal)
600 Third Avenue, 11th Floor
New York, NY 10016

Mound, Cotton, Wollan & Greengrass
Attn: Francis A. Montbach, Esq.
Attorneys for Defendant Viad Corp. on the Cross-Claims
One Battery Park Plaza
New York, NY 10004