

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

SCAD

Present:

HON. THOMAS P. PHELAN,

Justice

TRIAL/IAS PART 9
NASSAU COUNTY

MICHAEL MANZI and ROSE A. MANZI,

ORIGINAL RETURN DATE: 09/25/06
SUBMISSION DATE: 09/25/06

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.,

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.,

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.....	A
Defendant's Brief.....	B

Motion by defendant Viad Corp. for an order awarding it summary judgment dismissing all cross-claims against it is granted.

Since plaintiffs' cause(s) of action against defendant Viad were previously discontinued (see short form order dated January 18, 2006 [Phelan, J.], and there has been a substitution for deceased plaintiff Michael Manzi (see so ordered stipulation dated October 6, 2006 [Phelan, J.]), the title of this action is amended to read as follows:

"ROSE A. MANZI, as Executrix for THE ESTATE OF
MICHAEL MANZI, and ROSE A. MANZI, Individually,

Plaintiff(s),

-against-

ALLIS-CHALMERS CORPORATION PRODUCT
LIABILITY TRUST,
AMCHEM PRODUCTS, INC.,
n/k/a RHONE POULENC AG COMPANY,
n/k/a BAYER CROPSCIENCE INC.,
ANCHOR PACKING COMPANY,
BELL & GOSSETT COMPANY,
BUFFALO PUMPS, INC.,
BYRON JACKSON PUMPS,
CERTAINTEED CORPORATION,
CRANE CO.,
DANA CORPORATION,
DURABLA MANUFACTURING COMPANY,
EMPIRE-ACE INSULATION MFG. CORP.,
FOSTER WHEELER, L.L.C.,
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,
WARREN PUMPS, INC.,
MCNALLY INDUSTRIES, INC.,
as successor to the NORTHERN PUMP COMPANY,

Defendants."

This decision constitutes the order of the court.

Dated: 10-16-06

HON THOMAS P. PHELAN

~~YAVITZ~~

J.S.C.

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ENTERED

OCT 23 2006

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ROCKLAND COUNTY
COUNTY CLERK'S OFFICE

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