

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES SARJEANT, et al.,

Plaintiffs,

v.

FOSTER WHEELER LLC, et al.,

Defendants.

Case No. 24-cv-01216-VC

**ORDER GRANTING METALCLAD'S
SUMMARY JUDGMENT MOTION**

Re: Dkt. No. 212

The motion is granted. Sarjeant has not put forth any evidence that he was exposed to Metalclad insulation, an essential element of his claim. *See Rutherford v. Owens-Illinois, Inc.*, 16 Cal. 4th 953, 982 (Cal. 1997), *as modified on denial of reh'g* (Oct. 22, 1997).

Sarjeant recalled working near Syd Carpenter workers doing insulation work during his time as a draftsman at the Todd Shipyard in 1960, 1961, 1963, and 1964 but didn't know what brand of insulation they used. He attempts to rely on deposition testimony that shows Syd Carpenter purchased insulation from Metalclad, but that testimony only shows that to be the case in 1968-69 and 1971-72. *See* Dkt No. 235-4 at 22-23 (James Carpenter's Deposition in *Kelly*); Dkt. No. 235-5 at 15-17 (James Carpenter's Deposition in *Downie*). Because there's no evidence that Metalclad products were used by Syd Carpenter at the Todd Shipyard during the years that Sarjeant worked there, a reasonable jury could not find in favor of Sarjeant.

IT IS SO ORDERED.

Dated: October 2, 2024



VINCE CHHABRIA
United States District Judge