

**STATE OF MICHIGAN  
IN THE SUPREME COURT**

IN RE CERTIFIED QUESTION  
FROM THE FOURTEENTH COURT  
OF APPEALS DISTRICT OF TEXAS,

---

GLENN MILLER, ESTATE OF CAROLYN  
MILLER, SHAWN DEAN, JOHN ROLAND  
AND ALMA ROLAND,

Plaintiffs-Appellees,

-vs-

FORD MOTOR COMPANY,

Defendant-Appellant,

---

Supreme Court No. 131517

Court of Appeals for the 14<sup>th</sup>  
Judicial District, Houston, Texas  
No. 14-05-00026-CV

Appeal from the 239<sup>th</sup> District  
Court, Brazoria County, Texas  
No. 15077\*JG01

**AMICI CURIAE BRIEF OF COALITION FOR LITIGATION JUSTICE, INC., CHAMBER OF  
COMMERCE OF THE UNITED STATES OF AMERICA, NATIONAL ASSOCIATION OF  
MANUFACTURERS, NATIONAL FEDERATION OF INDEPENDENT BUSINESS LEGAL  
FOUNDATION, AMERICAN CHEMISTRY COUNCIL, PROPERTY CASUALTY INSURERS  
ASSOCIATION OF AMERICA, NATIONAL ASSOCIATION OF MUTUAL INSURANCE  
COMPANIES, AND AMERICAN TORT REFORM ASSOCIATION  
IN SUPPORT OF DEFENDANTS-APPELLANTS**

Victor E. Schwartz  
Mark A. Behrens  
Christopher E. Appel  
SHOOK, HARDY & BACON L.L.P  
600 14th Street, NW, Suite 800  
Washington, DC 20005  
(202) 783-8400

*Of Counsel*

Dana M. Mehrer, #P63024\*  
SHOOK, HARDY & BACON L.L.P  
2555 Grand Boulevard  
Kansas City, MO 64108  
(816) 474-6550

Attorneys for *Amici Curiae*  
\* Counsel of Record

(Additional *Of Counsel* listed on next page)

*Of Counsel*

Paul W. Kalish  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004  
(202) 624-2500  
Counsel, Coalition for Litigation Justice,  
Inc.

Robin S. Conrad  
Amar D. Sarwal  
NATIONAL CHAMBER  
LITIGATION CENTER, INC.  
1615 H Street, NW  
Washington, DC 20062  
(202) 463-5337

Ann W. Spragens  
Robert J. Hurns  
PROPERTY CASUALTY INSURERS  
ASSOCIATION OF AMERICA  
2600 South River Road  
Des Plaines, IL 60018-3286  
(847) 553-3826

Sherman Joyce  
AMERICAN TORT REFORM ASSOCIATION  
1101 Connecticut Ave., NW, Suite 400  
Washington, DC 20036  
(202) 682-1163

Jan Amundson  
Quentin Riegel  
NATIONAL ASSOCIATION OF  
MANUFACTURERS  
1331 Pennsylvania Avenue, NW  
Washington, DC 20004  
(202) 637-3000

Karen R. Harned  
Elizabeth A Gaudio  
NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS  
LEGAL FOUNDATION  
1201 F Street, NW, Suite 200  
Washington, DC 20004  
(202) 314-2061

Donald D. Evans  
AMERICAN CHEMISTRY COUNCIL  
1300 Wilson Boulevard  
Arlington, VA 22209  
(703) 741-5000

Gregg Dykstra  
NATIONAL ASSOCIATION OF  
MUTUAL INSURANCE COMPANIES  
3601 Vincennes Road  
Indianapolis, IN 46268  
(317) 875-5250

## TABLE OF CONTENTS

	<b>Page</b>
TABLE OF AUTHORITIES .....	iii
STATEMENT OF THE QUESTION PRESENTED .....	1
INTEREST OF <i>AMICI CURIAE</i> .....	1
STATEMENT OF FACTS .....	4
INTRODUCTION AND SUMMARY OF THE ARGUMENT .....	4
<b>ARGUMENT</b>	
I.    An Overview of the Litigation Environment in Which the Subject Appeal Must Be Considered.....	6
A.    The Current Asbestos Litigation Environment.....	6
1.    Filings by Claimants Who Are Not Sick .....	6
2.    Bankruptcies and the Economic Impact of the Litigation. ....	9
3.    Peripheral Defendants Are Being Dragged into the Litigation.....	10
B.    Asbestos Litigation Has Detrimentially Affected Michigan’s Economy.....	12
II.   This Court Should Hold That Landowners Owe No Duty to Remote Plaintiffs Injured Off-Site Through Secondhand Exposure to Hazards on the Property.....	13
A.    Courts That Have Recently Considered the Issue Presented Here Rejected Premises Owner Liability for Secondhand Asbestos Exposures. ....	14
1.    Georgia: <i>CSX Transportation, Inc. v. Williams</i> .....	15
2.    New York: <i>In re New York City Asbestos Litigation</i> ( <i>Holdampf v. A.C. &amp; S., Inc.</i> ) and <i>In re Eighth Judicial</i> <i>District Asbestos Litigation (Rindfleisch v. AlliedSignal,</i> <i>Inc.)</i> .....	16
3.    Tennessee: <i>Satterfield v. Breeding Insulation Co.</i> .....	19

