

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Dennis C. Payne, et al. v. General Electric Company, et al.

Payne · No. 2:20-cv-01198-TLN-AC · Decided September 26, 2025

SUMMARY

This is an order from the United States District Court for the Eastern District of California addressing cross-motions for summary adjudication and summary judgment in an asbestos-exposure and mesothelioma action involving a General Electric turbine aboard the Golden Bear II. Applying maritime law, the court denied General Electric’s motion on causation, failure to warn, and duty-to-warn issues after finding triable factual disputes, while also ruling on evidentiary objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 26, 2025
DOCKET	2:20-cv-01198-TLN-AC
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for summary judgment and summary adjudication in an asbestos-exposure maritime tort action.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The court views the opposing party’s evidence and reasonable inferences in that party’s favor, but the nonmoving party must identify specific evidence showing a genuine, material factual dispute.
PRECEDENTIAL VALUE	unpublished
PARTIES	Dennis C. Payne, Susan Payne v. General Electric Company, Redco Corporation, Alfa Laval, Inc., Tate Andale, LLC

TOPICS

- admiralty
- products liability
- negligence
- summary judgment
- affirmative defenses

PRACTICE AREAS

admiralty and maritime law

asbestos products liability

personal injury and wrongful death

civil procedure

evidence

QUESTIONS PRESENTED

1. Whether Plaintiffs presented sufficient evidence that Payne was exposed to an asbestos-containing product related to General Electric's turbine and that the exposure was a substantial factor in causing his mesothelioma.
2. Whether Plaintiffs presented sufficient evidence of a causal connection between General Electric's alleged failure to warn and Payne's injury.
3. Whether triable issues existed under *Air & Liquid Systems Corp. v. DeVries* concerning General Electric's maritime duty to warn about asbestos-containing parts incorporated into or used with its turbine.
4. Whether maritime law barred Plaintiffs' claims for loss-of-consortium and punitive damages.
5. Whether Plaintiffs were entitled to summary adjudication against Defendants' government-contractor affirmative defense.
6. Whether Plaintiffs were entitled to summary adjudication against Redco's sophisticated-user and sophisticated-purchaser defenses.
7. Whether Plaintiffs were entitled to summary adjudication against Defendants' superseding-cause defense.
8. Whether Plaintiffs' belatedly signed declaration cured the evidentiary defect in an initially unsworn expert report and whether the report was sufficiently reliable.

HOLDINGS

1. Plaintiffs presented sufficient evidence for a reasonable jury to find that Payne was exposed to asbestos insulation related to General Electric's turbine and that the exposure may have been a substantial factor in causing his mesothelioma. Summary judgment on causation was therefore denied.
2. Whether General Electric could have provided a warning that might have prevented Payne's injury presented a genuine dispute of material fact for the jury; summary judgment on this ground was denied.
3. Triable issues existed as to all three elements of General Electric's maritime duty to warn under *DeVries*: whether the turbine required incorporation of asbestos-containing parts, whether General Electric knew or had reason to know the integrated turbine was dangerous for its intended uses, and whether it had reason to believe users would realize the danger. Summary judgment on the duty-to-warn issue was denied.
4. General Electric was entitled to summary judgment on Plaintiffs' loss-of-consortium claim because Plaintiffs did not show a clear historical basis for such damages under general maritime law.
5. Punitive damages were available for Plaintiffs' general maritime negligence claim, and General Electric was not entitled to summary judgment on that issue.

6. Plaintiffs were not entitled to summary adjudication against Defendants' government-contractor defense because genuine disputes of material fact existed as to each Boyle prong.
7. Plaintiffs were not entitled to summary adjudication against Redco's sophisticated-user defense because evidence created a triable issue as to whether Payne knew or reasonably should have known of asbestos hazards. Plaintiffs' motion concerning General Electric's withdrawn defense was moot.
8. Plaintiffs were entitled to summary adjudication against Redco's sophisticated-purchaser defense. Even assuming the defense could apply under maritime law, Redco presented no evidence that it warned the intermediaries, determined their knowledge, or reasonably concluded that they would warn Payne.
9. Plaintiffs were entitled to summary adjudication against Defendants' superseding-cause defense because Defendants produced no evidence that the California Maritime Academy's or another entity's failure to warn caused a harm different in kind or was extraordinary and unforeseeable.
10. General Electric's objection to Arnold Moore's report was overruled because Plaintiffs cured the report's initially unsworn status with a signed declaration and the alleged contradictions with deposition testimony did not establish unreliability.

KEY QUOTATIONS

“has a duty to warn when (i) its product requires incorporation of a part, (ii) the manufacturer knows or has reason to know that the integrated product is likely to be dangerous for its intended uses, and (iii) the manufacturer has no reason to believe that the product’s users will realize that danger.” (IV.A.iii)

“For this defense to apply, Defendants must establish: “(1) the United States approved reasonably precise specifications; (2) the equipment conformed to those specifications; and (3) the supplier warned the United States about the dangers in the use of the equipment that were known to the supplier but not the United States.”” (IV.B.i)

“The doctrine of superseding cause is applied where the defendant’s negligence in fact substantially contributed to the plaintiff’s injury, but the injury was actually brought about by a later cause of independent origin that was not foreseeable.” (IV.B.iv)

FACTUAL BACKGROUND

Dennis Payne was a marine engineering student at the California Maritime Academy from 1972 to 1975 and was aboard the Golden Bear II when its General Electric turbine was inspected in 1975. During the inspection, insulation and gaskets were removed, dust was observed, and Payne watched the work from nearby; Plaintiffs' evidence supported an inference that the insulation contained asbestos. Plaintiffs allege that Payne's asbestos exposure caused mesothelioma and his death. The ship and turbine originated in the 1940s, and General Electric continued to provide some technical advice concerning the turbine during its lifetime.

PROCEDURAL HISTORY

Plaintiffs filed the action on June 15, 2020, and filed a Second Amended Complaint on March 21, 2023, asserting maritime and California negligence, warranty, strict-liability, and loss-of-consortium claims. General Electric moved for summary judgment, and Plaintiffs moved for summary adjudication on several affirmative

defenses. The court granted and denied portions of both motions and ordered the parties to file a joint notice of trial readiness concerning the remaining claims.

DISPOSITION

other

CASES CITED

- *Liebling v. Novartis Pharms. Corp.*, No. CV1110263MMMMRWX, 2014 WL 12576619, at *2 (C.D. Cal. Mar. 24, 2014)
- *In re Eisen*, 31 F.3d 1447, 1454 (9th Cir. 1994)
- *Medina v. Mapes*, No. 1:21-CV-00844-JLT-EPG, 2024 WL 1722270, at *2 (E.D. Cal. Apr. 19, 2024)
- *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 157 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 323-324 (1986)
- *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 585-587 (1986)
- *First Nat'l Bank of Ariz. v. Cities Serv. Co.*, 391 U.S. 253, 288-289 (1968)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 251-252, 255 (1986)
- *SEC v. Seaboard Corp.*, 677 F.2d 1301, 1305-1306 (9th Cir. 1982)
- *Richards v. Nielsen Freight Lines*, 602 F. Supp. 1224, 1244-1245 (E.D. Cal. 1985), *aff'd*, 810 F.2d 898 (9th Cir. 1987)
- *McIndoe v. Huntington Ingalls Inc.*, 817 F.3d 1170, 1173-1176 (9th Cir. 2016)
- *E. River S.S. Corp. v. Transamerica Delaval Inc.*, 476 U.S. 858, 865 (1986)
- *Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.*, 513 U.S. 527, 545 (1995)
- *Yamaha Motor Corp., U.S.A. v. Calhoun*, 516 U.S. 199, 207 (1996)
- *Conti v. Ford Motor Co.*, 743 F.2d 195, 197 (3d Cir. 1984)
- *Lindstrom v. A-C Product Liability Trust*, 424 F.3d 488, 492 (6th Cir. 2005)
- *Air & Liquid Sys. Corp. v. DeVries*, 586 U.S. 446, 455-457 (2019)
- *Joesphs v. Harris Corp.*, 677 F.2d 985, 988 (3d Cir. 1982)
- *Spurlin v. Air & Liquid Sys. Corp.*, 537 F. Supp. 3d 1162, 1174, 1181 (S.D. Cal. 2021)
- *Miles v. Apex Marine Corp.*, 498 U.S. 19 (1990)
- *The Dutra Group v. Batterton*, 588 U.S. 358, 361, 369-372 (2019)
- *Atl. Sounding Co. v. Townsend*, 557 U.S. 404, 407, 414 (2009)
- *In re Exxon Valdez*, 270 F.3d 1215, 1221, 1225-1226, 1244, 1246-1247 (9th Cir. 2001)
- *Smith v. Trinidad Corp.*, 992 F.2d 996, 996 (9th Cir. 1993)
- *Elorreaga v. Rockwell Automation, Inc.*, No. 21-CV-05696-HSG, 2022 WL 2528600, at *5 (N.D. Cal. July 7, 2022)
- *Cook v. Foster Wheeler Energy Corp.*, No. 1:21-CV-11362-ADB, 2023 WL 5672896, at *3 (D. Mass. Sept. 1, 2023)

- Pelton v. John Crane, Inc., No. 1:21-CV-4316, 2024 WL 361425, at *10 & n.11 (N.D. Ill. Jan. 31, 2024)
- Boyle v. United Techs. Corp., 487 U.S. 500, 512 (1988)
- Cabasug v. Crane Co., 988 F. Supp. 2d 1216, 1219, 1226, 1228 (D. Haw. 2013)
- Mack v. Gen. Elec. Co., 896 F. Supp. 2d 333, 342-343 (E.D. Pa. 2012)
- Exxon Co., U.S.A. v. Sofec, Inc., 517 U.S. 830, 837-838 (1996)
- Pappert v. San Diego Gas & Elec. Co., 137 Cal. App. 3d 205, 210 (1982)
- Smargisso v. Air & Liquid Sys. Corp., 750 F. Supp. 3d 1046, 1069 (N.D. Cal. 2024)

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