

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Shirley A. Johnson v. Air & Liquid Systems Corporation, et al.

Johnson · No. 2:24-cv-00491-LK · Decided January 26, 2026

SUMMARY

The United States District Court for the Western District of Washington grants Defendants’ motions for summary judgment, denies Plaintiff’s cross-motion for partial summary judgment, and grants in part and denies in part motions to exclude expert testimony. The asbestos-exposure negligence action involves alleged exposure during shipyard work and addresses federal jurisdiction, admiralty jurisdiction, the government contractor defense, and the admissibility of expert opinions under Federal Rule of Evidence 702.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Lauren King
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 26, 2026
DOCKET	2:24-cv-00491-LK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff and defendants filed cross-motions for summary judgment in a removed asbestos-exposure negligence action. Defendants also moved to exclude plaintiff's expert testimony under Federal Rule of Evidence 702 and Rule 403.
STANDARD OF REVIEW	Summary judgment is reviewed under Federal Rule of Civil Procedure 56: the court must determine whether there is a genuine dispute of material fact and whether the movant is entitled to judgment as a matter of law, viewing the nonmovant's evidence and reasonable inferences in that party's favor without weighing credibility. Expert admissibility is governed by Federal Rule of Evidence 702, with the court serving as gatekeeper and evaluating relevance, reliability, foundation, methodology, and potential prejudice or confusion under Rule 403.
PRECEDENTIAL VALUE	unpublished district court opinion; persuasive authority only

TOPICS

summary judgment

admiralty jurisdiction

negligence

expert testimony

daubert standard

PRACTICE AREAS

torts

admiralty

civil procedure

evidence

asbestos litigation

QUESTIONS PRESENTED

1. Whether the court had subject-matter jurisdiction based on federal-officer removal and admiralty jurisdiction.
2. Whether portions of plaintiff's industrial-hygiene and medical expert opinions were admissible under Federal Rules of Evidence 702 and 403.
3. Whether plaintiff presented sufficient evidence that Stubblefield was exposed to asbestos attributable to Todd or Lockheed.
4. Whether plaintiff presented sufficient evidence that any asbestos exposure attributable to Todd or Lockheed was a substantial contributing factor in causing mesothelioma.
5. Whether plaintiff alleged or could pursue a strict-products-liability claim under maritime law.

HOLDINGS

1. The court had admiralty jurisdiction because the alleged exposure occurred, at least in part, aboard vessels in navigable waters and the ship-repair activities had a substantial relationship to traditional maritime activity and the potential to disrupt maritime commerce.
2. Expert testimony that assumes Stubblefield encountered asbestos at particular shipyards, without evidence identifying asbestos-containing materials disturbed in his presence or a reliable methodology connecting general industry conditions to his work, is inadmissible under Rule 702 and, in some respects, Rule 403.
3. An expert may testify generally that asbestos exposure contributes to cumulative dose and that the threshold for mesothelioma is unknown, but may not use an every-exposure or cumulative-exposure theory to conclude that each unquantified exposure was necessarily a substantial contributing factor in causing the disease.
4. Plaintiff could not defeat summary judgment because she offered no admissible evidence that Stubblefield was exposed to asbestos attributable to either shipyard or that any such exposure was a substantial contributing factor in causing his mesothelioma.
5. The court did not adjudicate a strict-products-liability claim because Johnson clarified that she was proceeding on a premises-negligence theory; maritime strict products liability would not apply merely because the vessels were products.

KEY QUOTATIONS

“A plaintiff seeking to establish a negligence claim must “must provide evidence which, while not compelling

a finding of liability, does not require speculation or conjecture to establish the elements of the claim.””

“The Court therefore excludes that opinion.”

“Because a jury would have to speculate to find that asbestos-containing materials were disturbed in Stubblefield’s presence, or that the dust workers observed contained asbestos, Lockheed is entitled to summary judgment.”

FACTUAL BACKGROUND

Lonnie Stubblefield worked as a marine laborer and ship scaler at Todd and Lockheed shipyards during portions of the 1970s and 1980s, including work on government and commercial vessels. He later developed mesothelioma and died in December 2022. His widow and estate representative alleged that asbestos disturbed by other workers exposed him to asbestos at the shipyards and that the exposure substantially contributed to his disease. The court found evidence that asbestos existed on some vessels and that dusty work occurred, but no admissible, non-speculative evidence tying Stubblefield to disturbed asbestos-containing materials or establishing the intensity, frequency, or duration of any exposure.

PROCEDURAL HISTORY

Johnson filed the action in King County Superior Court on January 24, 2023, against multiple defendants. Todd removed the case in April 2024 under the federal-officer removal statute based on a government-contractor defense. Johnson filed an amended complaint asserting negligence and an admiralty claim. The court denied remand, determined that admiralty jurisdiction existed, excluded portions of two experts' opinions, granted Todd's and Lockheed's motions for summary judgment, denied Johnson's cross-motion for partial summary judgment, and granted in part and denied in part the motions to exclude.

DISPOSITION

other

CASES CITED

- Royal Canin U.S.A., Inc. v. Wulfschleger, 604 U.S. 22 (2025)
- DeFiore v. SOC LLC, 85 F.4th 546, 553 (9th Cir. 2023)
- Air & Liquid Systems Corp. v. DeVries, 586 U.S. 446, 451-52 (2019)
- Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co., 513 U.S. 527, 534 (1995)
- McIndoe v. Huntington Ingalls Inc., 817 F.3d 1170, 1173-78 (9th Cir. 2016)
- Wineland v. Air & Liquid Systems Corp., 523 F. Supp. 3d 1245, 1250-54 (W.D. Wash. 2021)
- Simmons v. The Steamship Jefferson, 215 U.S. 130, 142 (1909)
- The Robert W. Parsons, 191 U.S. 17, 34 (1903)
- Sea Vessel, Inc. v. Reyes, 23 F.3d 345, 348, 351 (11th Cir. 1994)
- In re Mission Bay Jet Sports, LLC, 570 F.3d 1124, 1128 (9th Cir. 2009)
- Myrhan v. Johns-Manville Corp., 741 F.2d 1119, 1122 (9th Cir. 1984)

- *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 592-97 (1993)
- *Messick v. Novartis Pharmaceuticals Corp.*, 747 F.3d 1193, 1196-97 (9th Cir. 2014)
- *Alaska Rent-A-Car, Inc. v. Avis Budget Group, Inc.*, 738 F.3d 960, 969 (9th Cir. 2013)
- *United States v. Holguin*, 51 F.4th 841, 854 (9th Cir. 2022)
- *Elosu v. Middlefork Ranch Inc.*, 26 F.4th 1017, 1020 (9th Cir. 2022)
- *United States v. Valencia-Lopez*, 971 F.3d 891, 898 (9th Cir. 2020)
- *Domingo v. T.K.*, 289 F.3d 600, 607 (9th Cir. 2002)
- *Krik v. Exxon Mobil Corp.*, 870 F.3d 669, 672-73 (7th Cir. 2017)
- *Jack v. Borg-Warner Morse TEC LLC*, No. C17-0537JLR, 2018 WL 3819027, at *10, *16 (W.D. Wash. Aug. 10, 2018), *aff'd sub nom. Jack v. DCo, LLC*, 837 F. App'x 421 (9th Cir. 2021)
- *Barabin v. Scapa Dryer Fabrics, Inc.*, No. C07-1454JLR, 2018 WL 840147, at *11-*16 (W.D. Wash. Feb. 12, 2018)
- *Stephens v. Union Pacific Railroad Co.*, 935 F.3d 852, 857 (9th Cir. 2019)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 251-55 (1986)
- *Fair Housing Council of Riverside County, Inc. v. Riverside Two*, 249 F.3d 1132, 1134 (9th Cir. 2001)
- *Tulalip Tribes of Washington v. Washington*, 783 F.3d 1151, 1156 (9th Cir. 2015)
- *ACLU of Nevada v. City of Las Vegas*, 333 F.3d 1092, 1097 (9th Cir. 2003)
- *Lujan v. National Wildlife Federation*, 497 U.S. 871, 888-89 (1990)
- *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986)
- *Keenan v. Allan*, 91 F.3d 1275, 1279 (9th Cir. 1996)
- *Murthy v. Missouri*, 603 U.S. 43, 67 n.7 (2024)
- *Cabasug v. Crane Co.*, 956 F. Supp. 2d 1178, 1187 n.11 (D. Haw. 2013)
- *Cabasug v. Crane Co.*, 989 F. Supp. 2d 1030, 1036-37 (D. Haw. 2013)
- *DeRoy v. Carnival Corp.*, 963 F.3d 1302, 1313 (11th Cir. 2020)
- *Williams v. Costco Wholesale Corp.*, 471 F.3d 975, 977 (9th Cir. 2006)
- *Yamaha Motor Corp., U.S.A. v. Calhoun*, 516 U.S. 199, 207 (1996)
- *E. River S.S. Corp. v. Transamerica Delaval Inc.*, 476 U.S. 858, 865 (1986)