

No. 17-A-_____

IN THE SUPREME COURT OF THE UNITED STATES

AIR AND LIQUID SYSTEMS CORP., CBS CORPORATION, FOSTER WHEELER
LLC, IMO INDUSTRIES, INC., AND WARREN PUMPS,

Petitioners-Defendants,

v.

ROBERTA G. DEVRIES, Administratrix of the Estate of John B. DeVries,
Deceased, and Widow in her own right,

Respondent.

INGERSOLL RAND COMPANY,

Petitioner-Defendant,

v.

SHIRLEY MCAFEE, Executrix of the Estate of Kenneth McAfee,
and Widow in her own right,

Respondent.

**APPLICATION FOR EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI**

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Rule 29.6 Statement

1. Air & Liquid Systems Corp. is a wholly owned subsidiary of Ampco-Pittsburgh Corporation, a publicly traded corporation. It is the successor-by-merger to Buffalo Pumps, Inc.

2. CBS Corporation. CBS Corporation is a publicly traded company. National Amusements, Inc. and its wholly-owned subsidiary, NAI Entertainment Holdings LLC, are privately-held companies, which, in the aggregate, own the majority of the voting stock of CBS Corporation. No publicly held corporation owns 10% or more of the stock of CBS Corporation.

3. Foster Wheeler LLC. Foster Wheeler LLC is a wholly-owned indirect subsidiary of John Wood Group plc (Scotland), a publicly traded company. Based on publicly available information as of December 5, 2017, no known person or entity currently owns 10% or more of John Wood Group plc's (Scotland) publicly traded common stock.

4. IMO Industries, Inc. The parent companies for Imo Industries Inc. are Colfax Corporation, a publicly traded company, Colfax Fluid Handling LLC, and Imo Holdings, Inc. No other publicly traded corporation owns more than 10 percent of IMO Industries, Inc.'s stock.

5. Warren Pumps, LLC. Warren Pumps, LLC is a single-member limited liability company with Imo Industries Inc. as its only member. Colfax Corporation is a publicly held corporation and owns 10% or more of Warren Pumps, LLC's stock. No other publicly traded corporation owns more than 10 percent of Warren Pumps, LLC's stock.

6. The parent company for Ingersoll Rand Company is Ingersoll Rand PLC, a publicly traded corporation. No other publicly traded corporation owns more than 10 percent of Ingersoll Rand Company stock.

TO THE HONORABLE SAMUEL A. ALITO, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE THIRD CIRCUIT:

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioners respectfully request a 30-day extension of time, up to and including February 1, 2018, to file a petition for a writ of certiorari to the United States Court of Appeals for the Third Circuit to review that court's decision in *In re: Asbestos Prod. Liab. Litig.* (No. VI), 873 F.3d 232 (3d Cir. 2017) (attached as Exhibit A). In the case below, the Third Circuit consolidated two separate appeals arising under maritime law. *See Id.* at 235; *DeVries v. Buffalo Pumps, Inc., et al.*, No. 16-2602 (3rd Cir.); *McAfee v. Ingersoll Rand & Co.*, No. 16-2669 (3rd Cir.). It issued its judgment in the consolidated matter on October 3, 2017. (Attached as Exhibit B.) The petitioners intend to file a joint petition seeking review of this judgment under Supreme Court Rule 12.4. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for a writ of certiorari will expire without an extension on January 2, 2018. This application, filed jointly by the petitioners from both of the cases consolidated by the Third Circuit, is timely because it has been filed more than ten days prior to the date on which the time for filing the petition is to expire.

1. This case presents a substantial and important question of federal law: Whether maritime-law defendants can be held liable under products-liability theories for injuries caused by product components that they neither made nor sold, and that were added to their products post-sale. Below, the Third Circuit held that

maritime-law defendants can be held liable in these circumstances. In so doing, it created a circuit split with the Sixth Circuit. *See Lindstrom v. A-C Product Liability Trust*, 424 F.3d 488, 492–95 (6th Cir. 2005).

2. Shay Dvoretzky is counsel of record for all of the petitioners in this consolidated matter. He presented oral argument in the California Supreme Court on December 7, *see Heller Ehrman LLP v. Davis Wright Tremaine LLP*, and Related Cases, No. S236208, and will be presenting oral argument in the Ninth Circuit on December 12, *see Rizo v. Yovino*, No. 16-15372. He is also counsel of record for the respondent in *Lozman v. City of Riviera Beach*, No. 17-21, which is pending in this Court. The petitioner’s opening merits brief in *Lozman* is expected in late December. All of these commitments will limit counsel’s availability to work on this matter between today and January 2, 2018.

3. In addition, the petitioners in this case plan to file a joint petition for a writ of certiorari pursuant to Rule 12.4. This will take substantial coordination, as the petition will seek review of a consolidated appeal involving numerous petitioners. Coordination will be more difficult during the holiday season that immediately precedes the current filing deadline.

Accordingly, the petitioners respectfully request that an order be entered extending the time to file a petition for a writ of certiorari for 30 days, up to and including February 1, 2018.

Dated: December 8, 2017

Respectfully Submitted,

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