



EXHIBIT F

FILED

APR 9 1984

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

CA 83-3520

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 83-1212-Mc

JEAN MILES, INDIVIDUALLY AND
AS REPRESENTATIVE OF THE
ESTATE OF HARRY B. MILES

v.

ATLAS TURNER, INC., ET AL.

CIVIL ACTION NO. 83-1142-Mc

DORIS L. MOONEY, INDIVIDUALLY
AND AS ADMINISTRATRIX OF THE
ESTATE OF WILLIAM W. MOONEY

v.

ATLAS TURNER, INC., ET AL.

CIVIL ACTION NO. 83-1143-Mc

MAY J. HURLEY, INDIVIDUALLY
AND AS EXECUTRIX OF THE
ESTATE OF JOHN P. HURLEY

v.

ATLAS TURNER, INC., ET AL.

RECOMMENDATION RE MOTIONS TO DISMISS ON
BEHALF OF DEFENDANT, ATLAS TURNER, INC.

August 23, 1983

Sept 15, 1983

*Within recommendation adopted. & ordered
John J. McNaughton USAJ*

DeGIACOMO, U.S.M.

The defendant has moved to dismiss the several complaints claiming lack of jurisdiction. Following a hearing, I am satisfied that the motions should be denied.

Defendant is a Canadian corporation engaged in the business of manufacturing asbestos products. These products were sold by the defendant to a distributor in Pennsylvania. The defendant invoiced the product to the distributor in Pennsylvania and on behalf of the distributor shipped the product directly to various work sites in Massachusetts. These facts are not questioned. See Plaintiffs Exhibits 5-13. The plaintiffs claim damages as a result of exposure to these products. The procedure of distribution was repeated with sufficient frequency in order to satisfy the minimal contacts required by the Massachusetts long-arm statute, Mass. Gen. Laws ch. 223A, § 3. In addition, the exercise of the jurisdiction is consistent with the basic due process requirements of the Constitution. The criteria of World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 297 are satisfied. The defendant, by shipping its asbestos products directly into Massachusetts, although invoicing them to a Pennsylvania distributor, "should reasonably anticipate being haled into court" in Massachusetts. Here, the sale of the asbestos products and their direct delivery into Massachusetts on behalf of the distributor was not simply an isolated occurrence but arose from the efforts of the defendant manufacturer through its distributor to serve the market for its product in Massachusetts, and it is not unreasonable to subject it to suit in Massachusetts where it

is claimed that its asbestos product has been the source of injury to the plaintiffs. World-Wide Volkswagen, at 297.

For the foregoing reasons, it is RECOMMENDED that the motions to be dismissed be denied.



UNITED STATES MAGISTRATE