

Michael L. Martinez
202-624-2945
mmartinez@crowell.com

December 10, 2007

VIA FEDERAL EXPRESS

Mr. Charles O'Connor
Deputy Prothonotary
Superior Court of Pennsylvania
520 Walnut Street
Suite 315
Philadelphia, PA 19106

Re: *John E. Donoughe and Helen M. Donoughe v. Hobart Brothers Company
and The Lincoln Electric Company, Nos. 357 & 488 EDA 2006*

Dear Mr. O'Connor:

I enclose for filing the original and twenty-three copies of the Application of Coalition for Litigation Justice, Inc., Chamber of Commerce of the United States of America, National Association of Manufacturers, American Insurance Association, American Chemistry Council, Property Casualty Insurers Association of America, and National Association of Mutual Insurance Companies to Join as Amici Curiae in the Application of Hobart Brothers Company and the Lincoln Electric Company for En Banc Reargument.

Thank you very much.

Sincerely,


Michael L. Martinez

Enclosures

cc: Counsel of Record (by first-class mail)

IN THE SUPERIOR COURT OF PENNSYLVANIA

Nos. 357 & 488 EDA 2006

JOHN E. DONOUGHE and HELEN M. DONOUGHE

Appellants in No. 357, and Appellees in No. 488

v.

HOBART BROTHERS COMPANY AND
THE LINCOLN ELECTRIC COMPANY

Appellants in No. 488 and Appellees in No. 357

APPLICATION OF COALITION FOR LITIGATION JUSTICE, INC., CHAMBER OF
COMMERCE OF THE UNITED STATES OF AMERICA, NATIONAL ASSOCIATION OF
MANUFACTURERS, AMERICAN INSURANCE ASSOCIATION, AMERICAN
CHEMISTRY COUNCIL, PROPERTY CASUALTY INSURERS ASSOCIATION OF
AMERICA, AND NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES
TO JOIN AS AMICI CURIAE IN THE APPLICATION OF HOBART BROTHERS
COMPANY AND THE LINCOLN ELECTRIC COMPANY FOR EN BANC REARGUMENT

Application for En Banc Reargument with Respect to October 12, 2007 Opinion and Order
Affirming the Final Judgment of the Court of the Common Pleas of Philadelphia County at
No. 5275 September Term, 2004

The Coalition for Litigation Justice, Inc.,¹ Chamber of Commerce of the United States of America,² National Association of Manufacturers,³ American Insurance Association,⁴ American Chemistry Council,⁵ Property Casualty Insurers Association of America,⁶ and National Association of Mutual Insurance

¹ The Coalition for Litigation Justice, Inc. (Coalition) is a nonprofit association formed by insurers to address and improve the asbestos litigation environment. The Coalition's mission is to encourage fair and prompt compensation to deserving current and future litigants by seeking to reduce or eliminate the abuses and inequities that exist under the current civil justice system. The Coalition files *amicus curiae* briefs in important cases that may have a significant impact on the asbestos litigation environment. The Coalition includes Century Indemnity Company, Chubb & Son, a division of Federal Insurance Company, CNA service mark companies, Fireman's Fund Insurance Company, Liberty Mutual Insurance Group, and the Great American Insurance Company.

² The Chamber of Commerce of the United States of America (U.S. Chamber) is the world's largest business federation. The U.S. Chamber represents an underlying membership of more than three million businesses and organizations of every size, in every business sector, and from every region of the country. An important function of the U.S. Chamber is to represent the interests of its members in court on issues of national concern to the business community. Accordingly, the U.S. Chamber has filed more than 1,000 *amicus curiae* briefs in state and federal courts.

³ The National Association of Manufacturers (NAM) is the nation's largest industrial trade association, representing small and large manufacturers in every industrial sector and in all fifty states. NAM's mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth and to increase understanding among policymakers, the media, and the general public about the importance of manufacturing to America's economic strength.

⁴ The American Insurance Association (AIA), founded in 1866 as the National Board of Fire Underwriters, is a national trade association representing major property and casualty insurers writing business across the country and around the world. AIA promotes the economic, legislative, and public standing of its members; it provides a forum for discussion of policy problems of common concern to its members and the insurance industry; and it keeps members informed of regulatory and legislative developments. Among its other activities, AIA files *amicus* briefs in cases before state and federal courts on issues of importance to the insurance industry.

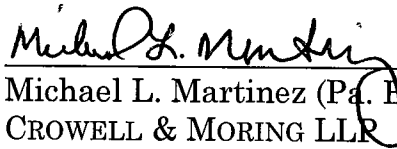
⁵ The American Chemistry Council (ACC) represents the leading companies engaged in the business of chemistry. The business of chemistry is a key element of the nation's economy, accounting for ten cents out of every dollar in U.S. exports. Chemistry companies invest more in research and development than any other business sector.

⁶ The Property Casualty Insurers Association of America (PCI) is a trade group representing more than 1,000 property and casualty insurance companies. PCI members are domiciled in and transact business in all fifty states, plus the District of Columbia and Puerto Rico. Its member companies account for \$184 billion in direct written premiums. They account for 52% of all personal auto premiums written in the United States, and 39.6% of all homeowners' premiums, with personal lines writers of commercial and miscellaneous property/casualty lines. In addition to the diversified product lines they write, PCI members include all types of insurance companies, including stocks,

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Companies⁷ hereby seek an order allowing them to join as amici curiae in the request for en banc reargument of Hobart Brothers Company and The Lincoln Electric Company and Amici Curiae Ford Motor Company and General Motors Company. The Coalition, et al. agree that the trial court's use of reverse bifurcation causes substantial prejudice to asbestos defendants.

Respectfully submitted,



Michael L. Martinez (Pa. Bar No. 30123)*
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: (202) 624-2500
Counsel for the Coalition for Litigation
Justice, Inc.

Victor E. Schwartz
Mark E. Behrens
SHOOK, HARDY & BACON L.L.P.
600 14th Street, NW, Suite 800
Washington, DC 20005
Tel: (202) 783-8400
Counsel for the Coalition for Litigation Justice, Inc.

(continued)

mutuals, and companies that write on a non-admitted basis. The PCI membership is literally a cross-section of the United States property and casualty insurance industry. In light of its involvement in Pennsylvania, the PCI is particularly interested in the resolution of the issue before the Court on behalf of its members and their interests.

⁷ Founded in 1895, National Association of Mutual Insurance Companies (NAMIC) is a full-service, national trade association with more than 1,400 member companies that underwrite more than forty percent of the property/casualty insurance premium in the United States. NAMIC members account for forty-seven percent of the homeowners market, thirty-nine percent of the automobile market, thirty-nine percent of the workers' compensation market, and thirty-four percent of the commercial property and liability market. NAMIC benefits its member companies through public policy development, advocacy, and member services.

Of Counsel

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

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

Lynda S. Mounts
Kenneth A. Stoller
AMERICAN INSURANCE ASSOCIATION
1130 Connecticut Ave, NW, Suite 1000
Washington, DC 20036
Tel: (202) 828-7100

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

Ann W. Spragens
Sean McMurrrough
PROPERTY CASUALTY INSURERS
ASSOCIATION OF AMERICA
2600 South River Road
Des Plaines, IL 60018
Tel: (847) 553-3826

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

DATED DECEMBER 10 , 2007

CERTIFICATE OF SERVICE

I hereby certify that on December 10th, 2007, I served a true and correct copy of the Application of the Coalition for Litigation Justice, Inc., Chamber of Commerce of the United States of America, National Association of Manufacturers, American Insurance Association, American Chemistry Council, Property Casualty Insurers Association of America, and National Association of Mutual Insurance Companies to join as Amici Curiae in the Application of Hobart Brothers Company and The Lincoln Electric Company for En Banc Reargument as set forth below:


Michael L. Martinez

Robert E. Paul
Paul, Reich & Myers, P.C.
1608 Walnut Street, Suite 500
Philadelphia, PA 19103
215-735-9200
Counsel for John E. Donoughe and Helen M. Donoughe

Charles W. Craven
John Jacob Hare
Marshall, Dennehey, Warner, Coleman and Goggin
1845 Walnut Street, 21st Floor
Philadelphia, PA 19103-4717
215-575-2626
Counsel for Hobart Brothers Company and The Lincoln Electric Company

Bruce H. Bikin
Montgomery, McCracken, Walker & Rhoads, L.L.P.
123 South Broad Street
Philadelphia, PA 19109
215-772-1500
Counsel for Hobart Brothers Company and The Lincoln Electric Company

Kenneth M. Argentieri
David G. Klaber
Jeremy Allen Mercer
Kirkpatrick & Lockhart Preston Gates Ellis LLP
535 Smithfield Street
Pittsburgh, PA 15222-2312
412-355-8668
Counsel for Hobart Brothers Company and The Lincoln Electric Company

Sharon L. Caffrey
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103
215-979-1000
Counsel for Amici Curiae Ford Motor Company and General Motors Corporation

IN THE SUPERIOR COURT OF PENNSYLVANIA

Nos. 357 & 488 EDA 2006

JOHN E. DONOUGHE AND HELEN M. DONOUGHE

Appellants in No. 357, and Appellees in No. 488

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Appellants in No. 488 and Appellees in No. 357

ORDER

The Application of Coalition for Litigation Justice, Inc., Chamber of Commerce of the United States of America, National Association of Manufacturers, American Insurance Association, American Chemistry Council, Property Casualty Insurers Association of America, and National Association of Mutual Insurance Companies to join as Amici Curiae in the application of Hobart Brothers and The Lincoln Electric Company for En Banc Reargument is **GRANTED**, the Prothonotary is directed to docket as filed the attached joiner of this application in this case, and the Prothonotary shall distribute the application, together with the order, to all members of the court in connection with the consideration of the Application for En Banc Reargument in this case.

Date: _____

IN THE SUPERIOR COURT OF PENNSYLVANIA

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Appellants in No. 488 and Appellees in No. 357

ENTRY OF APPEARANCE

Application for En Banc Reargument with Respect to October 12, 2007 Opinion and Order Affirming the Final Judgment of the Court of the Common Pleas of Philadelphia County at No. 5275 September Term, 2004

Pursuant to Rule 120 of the Pennsylvania Rules of Appellate Procedure, Michael L. Martinez (Pa. Bar. No. 30123), of Crowell & Moring LLP, respectfully requests that this Court take note of his entry of appearance in connection with the Application of Coalition for Litigation Justice, Inc., Chamber of Commerce of the United States of America, National Association of Manufacturers, American Insurance Association, American Chemistry Council, Property Casualty Insurers Association of America, and National Association of Mutual Insurance Companies

to join as *Amici Curiae* in the Application of Hobart Brothers Company and the Lincoln Electric Company for en banc reargument.

Respectfully submitted,



Michael L. Martinez (Pa. Bar No. 30123)
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, D.C. 20004-2595
(202) 624-2500 (Telephone)
(202) 628-5116 (Facsimile)

December 10, 2007