

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
IN RE: NEW YORK CITY ASBESTOS LITIGATION  
-----X

~~EXHIBIT~~ JUDGMENT

IVANA PERAICA, as Administratrix for the Estate of  
IVO J. PERAICA, and MILICA PERAICA, Individually,

Index № 190339/2011

Plaintiffs,

-against-

Hon. Martin Shulman

A.O. SMITH WATER PRODUCTS CO.,  
AIR & LIQUID SYSTEMS CORPORATION,  
as successor-by-Merger to BUFFALO PUMPS, INC.,  
AMERICAN BILTRITE, INC.,  
AURORA PUMP COMPANY,  
BURNHAM, LLC, Individually, and as successor to  
BURNHAM CORPORATION,  
CARRIER CORPORATION,  
CBS CORPORATION, f/k/a VIACOM, INC.,  
successor by Merger to  
CBS CORPORATION, f/k/a  
WESTINGHOUSE ELECTRIC CORPORATION,  
COMPUDYNE CORPORATION,  
Individually, and as Successor to YORK SHIPLEY, INC.,  
CRANE CO.,  
CRANE CO,  
Individually and as Successor to PACIFIC VALVES,  
FOSTER WHEELER CORPORATION,  
GENERAL ELECTRIC COMPANY,  
GOULD PUMPS, INC.,  
GRINNELL LLC,  
IMO INDUSTRIES, INC.,  
INGERSOLL-RAND COMPANY,  
ITT INDUSTRIES, INC., Individually and as Successor  
to BELL & GOSSETT COMPANY, and as Successor  
to KENNEDY VALVE MANUFACTURING CO., INC.,  
and as Successor to GRINNELL VALVE CO., INC.,  
KEELER-DORR-OLIVER BOILER COMPANY,  
KENTILE FLOORS, INC.,  
KOHLER CO.,  
O'CONNOR CONSTRUCTORS, INC., f/k/a  
THOMAS O'CONNOR & CONNOR & CO., INC.,

**FILED**

DEC - 3 - 2013

COUNTY CLERK'S OFFICE  
NEW YORK

PEERLESS INDUSTRIES, INC.,  
RILEY POWER, INC.,  
TACO, INC.,  
THE FAIRBANKS COMPANY,  
TRANE U.S., INC., f/k/a AMERICAN  
STANDARD, INC.,  
WARREN PUMPS, LLC,  
WEIL-McLAIN, a Division of the Marley-Wylain  
Company, a wholly-owned subsidiary of the Marley  
Company LLC,

Defendants.

-----X

**WHEREAS** Plaintiff Ivana Peraica, as Administratrix for the Estate of Ivo J. Peraica, and Milica Peraica, Individually, having settled and discontinued the actions against A.O. Smith Water Products Co., Burnham, LLC (Individually, and as Successor to Burnham Corporation), Carrier Corporation, CBS Corporation (f/k/a Viacom, Inc., Successor by Merger to CBS Corporation, f/k/a Westinghouse Electric Corporation), General Electric Company, Gould Pumps, Inc., ITT Industries, Inc. (Individually and as Successor to Bell & Gossett Company, and as Successor to Kennedy Valve Manufacturing Co., Inc., and as Successor to Grinnell Valve Co., Inc.), Keeler-Dorr-Oliver Boiler Company, Kentile Floors, Inc., Riley Power, Inc., Taco, Inc., Trane U.S., Inc. (f/k/a American Standard, Inc.), Weil-McLain (a Division of the Marley-Wylain Company, a wholly-owned subsidiary of the Marley Company LLC), and also having settled their claims against Celotex Corp., Combustion Engineering, G.I. Holdings, Inc., H.K. Porter Co., Johns-Manville Corp., Kaiser Aluminum & Chemical Corp., Keene Corporation, National Gypsum, Pfizer, Inc., Plibrico Co., and R.A. Keasbey Company, with the aggregate sum of all settlement amounts paid, or recited to be paid, to Plaintiff being Two Million, Three Hundred Ten Thousand, One Hundred Seventy-Two, and 51/100 Dollars (\$2,310,172.51);

**AND** the Court having dismissed Plaintiffs' actions against Defendants American Biltrite, Inc., Aurora Pump Company, Compudyne Corporation (Individually, and as Successor to

York Shipley, Inc.), Foster Wheeler Corporation, Kohler Co., O'Connor Constructors, Inc. (f/k/a Thomas O'Connor & Connor & Co., Inc.), and The Fairbanks Company, upon Defendants' No-  
Opposition Summary Judgment Motions and the parties' stipulations to discontinuance therefor;

**AND** the actions against Defendants Air & Liquid Systems Corporation (As Successor-  
by-Merger to Buffalo Pumps, Inc.), Grinnell, LLC, IMO Industries, Inc., Ingersoll-Rand  
Company, Peerless Industries, Inc., and Warren Pumps, LLC, having been discontinued and  
abandoned due to the lack of identification of these defendants' products as a source of plaintiff's  
exposures;

**AND** the trial of this action having proceeded against Crane Co., before the Honorable  
Martin Shulman, a Justice of this Court, and a jury, at IAS Part 1, at Room 325 of this Court held  
at the Courthouse thereof, at 60 Centre Street, New York, New York, on or about December 11,  
2012, and on certain dates and in proceedings occurring through March 1, 2013, and Plaintiff,  
having duly appeared by her attorneys, Weitz & Luxenberg, P.C., and Crane Co., by its attorneys  
K&L Gates;

**AND** Plaintiff's action against Crane Co. having been tried to a verdict rendered March 1,  
2013, in favor of Plaintiff and against Crane Co., and the jury having apportioned fifteen percent  
(15%) of the fault to Crane Co.;

**AND**, notwithstanding its decision to apportion Crane Co.'s equitable share at fifteen  
percent (15%), the jury having found Crane Co. to have acted with reckless disregard for the  
safety of others, pursuant to CPLR 1602(7), thereby negating the liability limitations set forth in  
CPLR 1601;

**AND** the jury having apportioned one percent (1%) of the fault as against settling  
Defendant A.O. Smith Water Products Co., one percent (1%) of the fault as against settling  
Defendant Burnham, LLC (Individually, and as Successor to Burnham Corporation), one percent  
(1%) of the fault as against settling Defendant Carrier Corporation, one percent (1%) of the fault  
as against settling Defendant CBS Corporation (f/k/a Viacom, Inc., Successor by Merger to CBS  
Corporation, f/k/a Westinghouse Electric Corporation), one percent (1%) of the fault as against  
settling Defendant Combustion Engineering, one percent (1%) of the fault as against settling  
Defendant General Electric Company, one percent (1%) of the fault as against settling Defendant

Gould Pumps, Inc., one percent (1%) of the fault as against settling Defendant ITT Industries, Inc. (Individually and as Successor to Bell & Gossett Company, and as Successor to Kennedy Valve Manufacturing Co., Inc., and as Successor to Grinnell Valve Co., Inc.), one percent (1%) of the fault as against settling Defendant Keeler-Dorr-Oliver Boiler Company, six percent (6%) of the fault as against settling Defendant Kentile Floors, Inc., one percent (1%) of the fault as against settling Defendant Taco, Inc., one percent (1%) of the fault as against settling Defendant Riley Power, Inc., one percent (1%) of the fault as against settling Defendant Trane U.S., Inc. (f/k/a American Standard, Inc.), one percent (1%) of the fault as against settling Defendant Weil-McLain (a Division of the Marley-Wylain Company, a wholly-owned subsidiary of the Marley Company LLC), and also one percent (1%) of the fault as against settling Bankrupt Celotex Corp., one percent (1%) of the fault as against settling Bankrupt H.K. Porter Co., fifteen percent (15%) of the fault as against settling Bankrupt Johns-Manville Corp., one percent (1%) of the fault as against settling Bankrupt Kaiser Aluminum & Chemical Corp., six percent (6%) of the fault as against settling Bankrupt National Gypsum, one percent (1%) of the fault as against settling Bankrupt Plibrico Co., and one percent (1%) of the fault as against settling Bankrupt Quigley Co.;

**AND** the jury having apportioned five percent (5%) of the fault as against non-settling tortfeasor Babcock & Wilcox Co., one percent (1%) of the fault as against non-settling tortfeasor FMC Corporation (as Successor to Chicago Pump Company), one percent (1%) of the fault as against non-settling tortfeasor Atlas Turner, Inc., five percent (5%) of the fault as against non-settling tortfeasor Armstrong World Industries, Inc., one percent (1%) of the fault as against non-settling tortfeasor A.C. & S., Inc., five percent (5%) of the fault as against non-settling tortfeasor A. P. Green Industries, one percent (1%) of the fault as against non-settling tortfeasor Burns & Roe Enterprises, Inc., one percent (1%) of the fault as against non-settling tortfeasor Keasby & Mattison Co., one percent (1%) of the fault as against non-settling tortfeasor Eagle-Picher Industries, one percent (1%) of the fault as against non-settling tortfeasor Fibreboard Corp., one percent (1%) of the fault as against non-settling tortfeasor Harbison-Walker Refractories Co., one percent (1%) of the fault as against non-settling tortfeasor M.H. Detrick Co., one percent (1%) of the fault as against non-settling tortfeasor North American Refractories Co., six percent (6%) of

the fault as against non-settling tortfeasor Owens Corning, Inc., one percent (1%) of the fault as against non-settling tortfeasor Pittsburgh Corning Corp., one percent (1%) of the fault as against non-settling tortfeasor Rutland Fire & Clay Co., five percent (5%) of the fault as against non-settling tortfeasor United States Gypsum Corp., one percent (1%) of the fault as against non-settling tortfeasor Halliburton Co. (Successor to Worthington Corp. f/k/a Worthington Pump, Inc.), and one percent (1%) of the fault as against non-settling tortfeasor W.R. Grace & Co.;

**AND** the aggregate equitable share apportioned to the settling tortfeasors thus totaling forty-five percent (45%);

**AND** the jury having rendered a compensatory damage award in favor of Ivo J. Peraica for his past pain and suffering in the amount of Thirty-Five Million and 00/100 Dollars (\$35,000,000.00);

**AND** the Court having dismissed the loss of consortium claim of Plaintiff Milica Peraica;

**AND** the Court, upon the post-trial motion of Crane Co. for judgment as a matter of law dismissing the complaint or, alternatively, to set aside the verdict as against the weight of the evidence, having denied said motion to that extent, and having granted that branch of Crane Co.'s post-verdict motion to the extent of ordering a new trial on the issue of damages unless Plaintiff stipulates that the jury's award for Plaintiff's past pain and suffering shall be reduced to Eighteen Million and 00/100 Dollars (\$18,000,000.00);

**AND** the Plaintiff having stipulated that the jury's compensatory damage award in favor of Ivo J. Peraica for his past pain and suffering shall be reduced from Thirty-Five Million and 00/100 Dollars (\$35,000,000.00), to Eighteen Million and 00/100 Dollars (\$18,000,000.00), making in all a total compensatory damage award to Plaintiff in the amount of Eighteen Million and 00/100 Dollars (\$18,000,000.00), one hundred percent of which constitutes non-economic damages;

**IT IS ORDERED, ADJUDGED AND DECREED** that, pursuant to G.O.L. § 15-108, the net verdict be and is hereby reduced to fifty-five percent (55%) of the total verdict, being fifty-five percent (55%) of Eighteen Million and 00/100 Dollars (\$18,000,000.00), reducing the net verdict to the amount of Nine Million, Nine Hundred Thousand and 00/100 Dollars

(\$9,900,000.00); and

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that costs and disbursements are taxed in the sum of \$800 Dollars, bringing the total net verdict to \$9,900,800.00 Dollars (Proposed Bill of Costs attached as Exhibit "A"); and

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that post-verdict interest (on said net verdict of Nine Million, Nine Hundred Thousand, Eight Hundred and 00/100 Dollars (\$9,900,800.00) Dollars) pursuant to CPLR 5002 and 5004 is awarded at nine percent (9%) per annum simple interest in the amount of

\$ 695,768.55, bringing the total award to  
\$ 10,596,568.55 Dollars; and

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff IVANA PERAICA, as Administratrix for the Estate of IVO J. PERAICA, has final judgment against Crane Co. in said amount of

\$ 10,596,568.55 Dollars, and have execution thereon.

Judgment signed this \_\_\_\_\_ day of \_\_\_\_\_.

DEC - 3 2013

Hon. Martin Shulman, J.S.C.

ENTER:

HON. MARTIN SHULMAN, J.S.C.

Clerk of the Court

**FILED**

DEC 11 2013

COUNTY CLERK'S OFFICE  
NEW YORK

D 25-74 44<sup>th</sup> ST, Astoria, NY 11103

D 100 First Stamford Pl., Stamford, CT. 06902

SUPREME COURT  
 COUNTY OF NEW YORK

IVANA PERAICA, as Administratrix for the Estate of IVO J. PERAICA, and MILICA PERAICA, Individually,

Index No. 190339/2011

**COSTS OF PLAINTIFF**

Plaintiff(s)  
 -against-  
 A. O. SMITH WATER PRODUCTS CO., et al.  
 Defendant(s)

I HEREBY CERTIFY THAT I HAVE  
 ADJUSTED THIS BILL OF COSTS AT  
 \$ 800.00

DEC 11 2013

CLERK

**COSTS for:**

Proceedings before Note of Issue is filed (\$200) - CPLR § 8201(1).....	\$	200.00
Proceedings after Note of Issue is filed and before trial (\$200) - CPLR § 8201(2).....	\$	200.00
Trial (\$300) - CPLR § 8201(3).....	\$	
Inquest (\$300) - CPLR § 8201(3).....	\$	
Assessment of damages (\$300) - CPLR § 8201(3).....	\$	
Additional allowances in real property actions - CPLR § 8302(a), (b), (d).....	\$	
Motion (fixed by court, not exceeding \$100) - CPLR § 8202.....	\$	
Appeal to Appellate Division (\$250 unless court awards lesser amount) - CPLR § 8203.....	\$	
Appeal from County Court to Appellate term - CPLR § 8203(a).....	\$	
Appeal to Court of Appeals (\$500 unless court awards lesser amount) - CPLR § 8204.....	\$	
Frivolous claims and counterclaims in actions for recover damages for personal injury, injury to property or wrongful death (awarded by court) - CPLR § 8303-a.....	\$	

\*

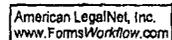
**FILED**  
 DEC 11 2013  
 COUNTY CLERK'S OFFICE  
 NEW YORK

SUBTOTAL \$ 400.00

**FEES and DISBURSEMENTS for:**

Affidavits, oaths, acknowledgments, certification and exemplification - CPLR § 8009.....	\$	
Index number of county clerks - CPLR § 8018.....	\$	210.00
Filing note of issue/placing case on calendar - CPLR § 8020(a).....	\$	30.00
Filing demand for jury trial - CPLR § 8020(c).....	\$	65.00

\* Insert any other costs, fees or disbursements.



Stenographers - CPLR §§ 8301 and 8002 .....	\$
Witnesses - CPLR §§ 8301(a)(1) and 8001 .....	\$
Referees - CPLR § § 8301(a)(1) and 8003 .....	\$
Officers - CPLR § 8301(a)(1).....	\$
Commissioners taking depositions (reasonable compensation) - CPLR § 8301(a)(2) .....	\$
Publication directed pursuant to law - CPLR § § 8301(a)(3) and 8007 .....	\$
Certified copy of a paper necessarily obtained for use on trial - CPLR § 8301(a)(4) .....	\$
Securing copies of opinions and charges of judges - CPLR § 8301(a)(5).....	\$
Printing papers for a hearing (reasonable expenses) - CPLR § 8301(a)(6) .....	\$
Entering and docketing the judgment (prospective charges) - CPLR §§ 8301(a)(7) and 8016(a)(2) .....	\$
Sheriff's fees for receiving and returning order of attachment - CPLR §§ 8011(a) and 8012 .....	\$
Sheriff's fees for receiving and returning one execution - CPLR §§ 8301(a)(8), and 8011 (b), (c) and (d), and 8012 .....	\$
Taking and making two transcripts of testimony on an Examination Before Trial (not exceeding \$250 in any one action) - CPLR § 8301(a)(9).....	\$
Searches made by title insurance companies - CPLR § 8301(a)(10).....	\$
Searches made by abstract companies - CPLR § 8301(a)(10).....	\$
Searches made by searching companies - CPLR § 8301(a)(10).....	\$
Searches made by a public officer authorized to make official searches and certify to the same - CPLR § 8301(a)(10) .....	\$
Searches made by attorney for party to whom costs are awarded (not exceeding cost of similar official searches) - CPLR § 8301(a)(10) .....	\$
Securing an undertaking to stay enforcement of a judgment subsequently reversed (reasonable expenses actually incurred) - CPLR § 8301(a)(11).....	\$
Other (reasonable and necessary expenses according to course and practice of court, by express provision of law or by court order) - CPLR § 8301(a)(12).....	\$
Postage - CPLR § 8301(a)(12) .....	\$
Appeal to Court of Appeals (clerk's fees) - CPLR § 8301(a)(12).....	\$
Motion (reasonable and necessary expenses awarded upon motion of party or upon court's own initiative) - CPLR § 8301 (b).....	\$
Party not awarded costs in an action or on appeal or in an action for a sum of money where party recovers at least \$50 - CPLR § 8301(c).....	\$
Service performed, other than a search (reasonable sum actually and necessarily expended if it is usual charge made by private persons) - CPLR § 8301(d).....	\$
Serving summons and complaint or summons with notice - CPLR §§ 8301(d) and 8011(h) .....	\$
Serving subpoena - CPLR §§ 8301(d) and 8011(h) .....	\$
Request for Judicial Intervention.....	\$

95.00

\*

\* Insert any other costs, fees or disbursements.

American LegalNet, Inc.  
www.FormsWorkflow.com

SUBTOTAL \$ 400.00

TOTAL \$ 800.00

**Attorney's Affirmation**

STATE OF NEW YORK )  
 )  
COUNTY OF NEW YORK ) ss.:

The undersigned, ALANI GOLANSKI, an attorney duly admitted to practice law in the courts of the State of New York, hereby affirms the following under penalty of perjury: I am \*\* counsel with Weitz & Luxenberg, P.C., attorneys for Plaintiffs,

and as such, am fully familiar with the facts and circumstances of the above captioned action; that the foregoing costs are correct and were necessarily incurred in this action and are reasonable in amount; and that the services for which fees have been charged were actually and necessarily performed and are reasonable in amount.

Dated: March 15, 2013

*Alani Golanski*

(Affirming attorney must sign above and type name below)

Alani Golanski

Weitz & Luxenberg, P.C.

Attorney(s) for Plaintiffs

Office and P.O. Address

700 Broadway, New York, N.Y. 10003

Telephone No.: (212) 558-5500

\*\* Insert attorney of record information.

Costs are taxed in the amount of \_\_\_\_\_  
and included in the judgment.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Court

**FILED**  
DEC 11 2013  
COUNTY CLERK'S OFFICE  
NEW YORK

\* Insert any other costs, fees or disbursements.

Index No.: 190339-11

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

IN RE: NEW YORK CITY ASBESTOS LITIGATION

---

This Document Relates To:

IVANA PERAICA, as Administratrix for the Estate of IVO J.  
PERAICA, and MILICA PERAICA, Individually

Plaintiffs,

- against -

A.O. SMITH WATER PRODUCTS CO., et al.,

Defendants.

---

~~ORDER~~ JUDGEMENT AND ~~STIPULATION TO REMIT THE~~

---

1 - 1  
**FILED AND  
DOCKETED**

DEC 11 2013

AT 2:18 P M  
N.Y., CO. CLK'S OFFICE

WEITZ & LUXENBERG, P.C.  
Attorneys for Plaintiffs  
700 Broadway  
New York, New York 10003  
Phone No.: (212) 558-5500  
Fax No.: (212) 344-5461

DOCKETED BY
B.C.
1