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Opinions of the United
States Court of Appeals
for the Third Circuit

10-17-1994

IN RE: Paoli Railroad Yard PCB Litigation

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 92-1995

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

MABEL BROWN, Individually and on
behalf of all others similarly situated

v.

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); AND
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA;
ROY F. WESTON, INC.; and
OH MATERIALS COMPANY; and
GENERAL ELECTRIC COMPANY; and
THE BUDD COMPANY; and
WESTINGHOUSE ELECTRIC CORPORATION;
MONSANTO CO.;
PENN CENTRAL CORPORATION

Mabel Brown, Appellant

(D.C. Civ. No. 86-02229)

NO. 92-1996

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

GEORGE ALBERT BURRELL and
PRISCILLA ETHERIDGE BURRELL,
in their own right, and GEORGE ALBERT BURRELL and
PRISCILLA ETHERIDGE BURRELL, as parents and natural
guardian of AMBER SHARDAI BURRELL, a minor, and
GEORGE ALBERT BURRELL, as parent and natural
guardian of ANDRE WALKER, a minor, and
PRISCILLA ETHERIDGE BURRELL, as parent and

natural guardian of BOBBY GEORGE ALBERT
CHRISTIAN BURRELL, a minor

v.

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA"); and
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK");
and CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA;
MONSANTO COMPANY;
GENERAL ELECTRIC COMPANY;
THE BUDD COMPANY;
WESTINGHOUSE ELECTRIC CORPORATION

v.

PENN CENTRAL CORPORATION

George Burrell, Priscilla Burrell, Amber
Burrell and Monica Hilton, Appellants

(D.C. Civ. No. 86-02235)

NO. 92-1997

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

WALLACE DARRYL CUMMINS

v.

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY
("SEPTA"); AND
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); AND
CONSOLIDATED RAIL CORPORATION, ("CONRAIL")

v.

UNITED STATES OF AMERICA; and
GENERAL ELECTRIC COMPANY;
THE BUDD COMPANY;
WESTINGHOUSE ELECTRIC CORPORATION;

MONSANTO COMPANY

Wallace D. Cummins, Appellant

(D.C. Civ. No. 86-02669)

NO. 92-1999

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

K. LOUISE JONES, ADMINISTRATRIX OF THE ESTATE
OF HARVEY N. JONES, JR., DECEASED AND K. LOUISE
JONES AS PERSONAL REPRESENTATIVE OF HARVEY N. JONES,
JR., AND K. LOUISE JONES IN HER OWN RIGHT

v.

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY
("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK");
CONSOLIDATED RAIL CORPORATION, ("CONRAIL")

v.

UNITED STATES OF AMERICA;
CITY OF PHILADELPHIA;
MONSANTO COMPANY;
GENERAL ELECTRIC COMPANY;
THE BUDD COMPANY; AND
WESTINGHOUSE ELECTRIC CORPORATION

K. Louise Jones and Harvey Jones, Appellants

(D.C. Civ. No. 86-05277)

NO. 92-2000

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

JAMES LAMENT, individually and on behalf

of all others similarly situated

v.

SEPTA; AMTRAK and CONRAIL;

v.

PENN CENTRAL CORPORATION;
UNITED STATES OF AMERICA;
CITY OF PHILADELPHIA;
MONSANTO CO.;
GENERAL ELECTRIC CO;
BUDD CO., AND
WESTINGHOUSE ELECTRIC CORPORATION

James Lament, Appellant

(D.C. Civ. No. 86-05886)

NO. 92-2001

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

CHRISTOPHER S. BROWN;
JACQUELINE M. BROWN, h/w

v.

MONSANTO COMPANY;
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION;
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

PENN CENTRAL CORPORATION;
UNITED STATES OF AMERICA;
CITY OF PHILADELPHIA;
GENERAL ELECTRIC COMPANY;
THE BUDD COMPANY;
WESTINGHOUSE ELECTRIC CORPORATION

Christopher Brown and Jacqueline Michelle Brown,

Appellants

(D.C. Civ. No. 86-07414)

NO. 92-2002

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

CATHLENE BROWN,

Appellant

v.

MONSANTO COMPANY;
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK");
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA;
CITY OF PHILADELPHIA;
GENERAL ELECTRIC COMPANY;
THE BUDD COMPANY;
WESTINGHOUSE ELECTRIC CORPORATION

v.

PENN CENTRAL CORPORATION

(D.C. Civ. No. 92-2002)

NO. 92-2003

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

CRAIG A. BROWN AND
CATHERINE D. BROWN h/w

v.

MONSANTO COMPANY;
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA;
PENN CENTRAL CORPORATION; AND
CITY OF PHILADELPHIA;
GENERAL ELECTRIC CO.;
THE BUDD CO.; AND
WESTINGHOUSE ELECTRIC CORP.

Craig Brown, Appellant

(D.C. Civ. No. 86-07416)

NO. 92-2004

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

MARGHERITA BARBETTA,

Appellant

v.

MONSANTO COMPANY;
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA; and
CITY OF PHILADELPHIA;
THE GENERAL ELECTRIC COMPANY; AND
THE BUDD COMPANY; AND
WESTINGHOUSE ELECTRIC CORPORATION

v.

PENN CENTRAL CORPORATION

(D.C. Civ. No. 86-07417)

NO. 92-2005

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

MARY RETTA JOHNSON,

Appellant
v.

MONSANTO COMPANY;
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA; AND
THE CITY OF PHILADELPHIA; and
GENERAL ELECTRIC COMPANY;
THE BUDD COMPANY; and
WESTINGHOUSE ELECTRIC CORPORATION; and
PENN CENTRAL CORP.

(D.C. Civ. No. 86-07418)

NO. 92-2006

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

CELESTE BROWN,

Appellant
v.

MONSANTO COMPANY;
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA;
CITY OF PHILADELPHIA; and
GENERAL ELECTRIC COMPANY;
THE BUDD COMPANY;
WESTINGHOUSE ELECTRIC CORPORATION

(D.C. Civ. No. 86-07419)

NO. 92-2007

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

CLEMMON L. BROWN

v.

MONSANTO COMPANY;
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA;
CITY OF PHILADELPHIA; AND
GENERAL ELECTRIC COMPANY;
THE BUDD COMPANY; AND
WESTINGHOUSE ELECTRIC CORPORATION; AND
PENN CENTRAL CORPORATION

Clemmon Brown, Appellant

(D.C. Civ. No. 86-07420)

NO. 92-2008

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

CLOYD H. BROWN

v.

MONSANTO COMPANY;
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA;
CITY OF PHILADELPHIA;
GENERAL ELECTRIC COMPANY;
THE BUDD COMPANY;
WESTINGHOUSE ELECTRIC CORPORATION
PENN CENTRAL CORPORATION

Cloyd Brown, Appellant

(D.C. Civ. No. 86-07421)

NO. 92-2009

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

CURTIS BROWN,

Appellant

v.

MONSANTO COMPANY;
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA;
CITY OF PHILADELPHIA

v.

GENERAL ELECTRIC COMPANY; and
THE BUDD COMPANY; and
WESTINGHOUSE ELECTRIC COMPANY;
PENN CENTRAL CORP.

(D.C. Civ. No. 86-07422)

NO. 92-2010

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

JOHN INGRAM, SR., and
PATRICIA INGRAM, in their own right and as
parents and natural guardians of JOHN INGRAM, JR.; and
APRIL INGRAM in her own right

v.

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL"); and
MONSANTO COMPANY ("MONSANTO"); and
GENERAL ELECTRIC COMPANY ("GE"); and
CITY OF PHILADELPHIA ("PHILADELPHIA")

v.

UNITED STATES OF AMERICA;
THE BUDD COMPANY;
WESTINGHOUSE ELECTRIC CORPORATION;
PENN CENTRAL CORPORATION

John Ingram, Sr. (and as representative of decedent,
Patricia Ingram), John Ingram, Jr., Patricia Ingram and
April Ingram Robinson-Ray, Appellants

(D.C. Civ. No. 86-07561)

NO. 92-2011

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

MARY ALICE KNIGHT,

Appellant

v.

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL"); and
MONSANTO COMPANY ("MONSANTO"); and
GENERAL ELECTRIC COMPANY ("GE"); and
CITY OF PHILADELPHIA ("PHILADELPHIA")

v.

UNITED STATES OF AMERICA;
THE BUDD COMPANY;
WESTINGHOUSE ELECTRIC CORPORATION;
PENN CENTRAL CORPORATION

(D.C. Civ. No. 87-00712)

NO. 92-2014

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

WILLIAM BUTLER; THERESA BUTLER;
MARVIN L. SIMPSON; ALLEN K. SIMPSON;
KAREN R. SIMPSON; DONALD E. SIMPSON; and
BRYAN M. JACKSON

v.

SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA");
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

UNITED STATES OF AMERICA;
CITY OF PHILADELPHIA;
MONSANTO COMPANY;
GENERAL ELECTRIC COMPANY;

THE BUDD COMPANY;
WESTINGHOUSE ELECTRIC CORPORATION;
PENN CENTRAL CORPORATION

William Butler, Theresa Butler, Bryan Jackson,
Allen Simpson, Donald Simpson, Karen Simpson
and Marvin Simpson, Appellants

(D.C. Civ. No. 87-02874)

NO. 92-2016

IN RE: PAOLI RAILROAD YARD PCB LITIGATION

MATTHEW CUNNINGHAM; AND
BESSIE CUNNINGHAM,

Appellants

v.

MONSANTO COMPANY; and
SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ("SEPTA"); and
NATIONAL RAILROAD PASSENGER CORPORATION ("AMTRAK"); and
CONSOLIDATED RAIL CORPORATION ("CONRAIL")

v.

GENERAL ELECTRIC COMPANY;
THE BUDD COMPANY;
WESTINGHOUSE ELECTRIC CORPORATION;
PENN CENTRAL CORPORATION,

Third-Party Defendants

On Appeal From the United States District Court
For the Eastern District of Pennsylvania

Argued: October 26, 1993

Before: BECKER, ROTH, and LEWIS, Circuit Judges.

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ORDER AMENDING OPINION

The opinion in the above-captioned case filed August 31, 1994, is amended as follows:

1) On page 58, lines 10 and 11, the words "promulgated under the Rules Enabling Act" are deleted from that sentence;

2) On page 59, second paragraph, lines 3 and 4, the phrase "promulgated under the Rules Enabling Act, 28 U.S.C. § 2072," is deleted from that sentence; and

3) On the last line of text on page 144, substitute the name "Patricia" for "Priscilla".

BY THE COURT,

/s/ Edward R. Becker

Circuit Judge

DATED: October 17, 1994

