

or should have known that the proper functioning of its steam valves required the regular replacement of asbestos-containing packing and gaskets. Moreover, Plaintiff contends, the danger of prejudice and waste of time is negligible because she intends to introduce only discrete, select portions of the catalogs at trial.

“Relevant” evidence is “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” R.I. R. Evid. 401; see Callahan v. Nystedt, 641 A.2d 58, 60 (R.I. 1994). “[I]f . . . evidence is offered to help prove a proposition that is not a matter in issue, the evidence is immaterial” and, thus, inadmissible. State v. Thomas, 936 A.2d 1278, 1282 (R.I. 2007) (quoting 1 McCormick on Evidence § 184 at 729); see R.I. R. Evid. 402 (mandating that “[e]vidence which is not relevant is not admissible”).

Plaintiff has asserted, among other claims, that Defendant failed to warn Sweredoski of the dangers of working with asbestos. To prove this claim, Plaintiff must demonstrate that Defendant “had reason to know about [its] product’s dangerous propensities which caused plaintiff’s injuries.” Thomas v. Amway Corp., 488 A.2d 716, 722 (R.I. 1985). Defendant need only warn of “reasonably foreseeable” dangers. Id. Such knowledge may be actual or constructive. Castrignano v. E.R. Squibb & Sons, Inc., 546 A.2d 775, 782 (R.I. 1988). Thus, “[l]iability will ensue . . . [when] a manufacturer fails to disclose dangers of which it [knew or] should have known if it had vigorously monitored available information.” Id. at 783.

This Court finds that the catalog entries Defendant seeks to bar from admission are relevant to the issue of Defendant’s alleged duty to warn in this case. See Owens-Illinois, Inc. v. Zenobia, 601 A.2d 633, 644-45 (Md. 1992) (finding that evidence of the defendant’s knowledge of the dangers of asbestos exposure was relevant to the defendant’s alleged duty to warn); see

also Castrignano, 546 A.2d at 782-83. The entries are relevant to Defendant’s knowledge at the time of Sweredoski’s exposure to the steam valves because they originate from catalogs produced before the time of said exposure. See Jowers v. Lincoln Electric Co., 617 F.3d 346, 356 (5th Cir. 2010) (finding that documents produced for the defendant twenty years before the plaintiff’s injuries occurred were relevant to the defendant’s knowledge of the dangers of its product at the time of the plaintiff’s injury). The content of the entries is probative of whether Defendant knew or should have known that its valves would not function without the regular replacement of asbestos-containing packing and gaskets and, accordingly, whether Defendant knew or should have known that users of its valves—like Sweredoski—would be exposed to these products. See AC&S, Inc. v. Asner, 686 A.2d 250, 255-56 (Md. 1996); Jowers, 617 F.3d at 356; see also Raimbeault v. Takeuchi Manufacturing (U.S.), Ltd., 772 A.2d 1056, 1063-64 (R.I. 2001). These catalog entries are thus admissible. See R.I. R. Evid. 401.

With respect to the issue of prejudice, the trial court is mindful that it must only exclude otherwise relevant evidence when the “evidence is marginally relevant and enormously prejudicial” State v. Jose DeJesus, 947 A.2d 873, 883 (R.I. 2006); see R.I. R. Evid. 403. Because the catalog entries are directly relevant to Plaintiff’s failure-to-warn claim—and the danger of waste of time at trial can be mitigated by the introduction of only those limited catalog excerpts whose contents bear directly on the issue of Defendant’s knowledge regarding the replacement packing and gaskets—exclusion of the catalog entries is not warranted. See State v. Bishop, No. 2009-173-C.A., slip op. at 10-11 (R.I., filed June 18, 2013). Defendant’s Motion is therefore denied.



RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

TITLE OF CASE: Sweredoski v. Alfa Laval, Inc., et al.

CASE NO: PC 2011-1544

COURT: Providence County Superior Court

DATE DECISION FILED: July 18, 2013

JUSTICE/MAGISTRATE: Presiding Justice Alice Bridget Gibney

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