

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: E. I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION**

CASE NO. 2:13-md-2433

JUDGE EDMUND A. SARGUS, JR.

**MAGISTRATE JUDGE ELIZABETH P.
DEAVERS**

This document relates to:

*Travis and Julie Abbott v. E. I. du Pont de Nemours and
Company, et al., Case No. 2:17-cv-00998*

NOTICE OF APPEAL

Pursuant to Fed. R. App. P. 3, Fed. R. App. P. 4, 28 U.S.C. § 1291, and other applicable law, Defendant E. I. du Pont de Nemours and Company (“DuPont”) hereby gives notice of its appeal to the United States Court of Appeals for the Sixth Circuit from:

(1) the Amended Judgment entered by the United States District Court for the Southern District of Ohio on April 26, 2021;

(2) any and all prior judgments in this case, including the Judgment entered by the United States District Court for the Southern District of Ohio on April 22, 2021 (Doc. 246) and the clerk’s Judgment based on the jury’s verdict entered on April 7, 2020 (Doc. 230);

(3) the post-trial orders entered by the United States District Court for the Southern District of Ohio, including Dispositive Motions Order No. 43 entered on March 29, 2021 (Doc. 245); Dispositive Motions Order No. 42 entered on December 31, 2020 (Doc. 243); and Dispositive Motions Order No. 39 entered on September 8, 2020 (Doc. 241); and

(4) all other orders (whether issued pre-trial, during trial, or after trial) which are now final and appealable, including specifically the district court's order on collateral estoppel, Doc. 5285 on the main MDL docket (No. 2:13-md-2433).

This notice specifically incorporates all rulings made on the main MDL docket (No. 2:13-md-2433) and in other individual MDL cases that were applied in this individual case and have now been rendered final as to this case by virtue of the judgment. *See* Doc. 240 (granting DuPont's motion to clarify the record, and holding that all relevant orders entered in the MDL, and in its constituent cases, constitute part of the record in this case).

DuPont previously sought a writ of mandamus based on the district court's collateral estoppel order. *See* Doc. 5285 (No. 2:13-md-2433); Mandamus action, 6th Cir. No. 19-4226. While the Sixth Circuit recognized that DuPont made "a vigorous and perhaps compelling argument that the district court erred as a matter of law," the court denied the writ stating that it would consider the arguments in a normal course appeal. *Id.*, Doc. 23-2. Among other things, this appeal raises the same challenge to the collateral estoppel order as DuPont did in its prior mandamus petition.

Dated April 27, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was electronically filed with this Court's CM/ECF system on April 27, 2021, and accordingly served automatically upon all counsel of record.

/s/ Aneca E. Lasley

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Attorney for Defendant