

Eric W. Smith, *
 *
 Plaintiff, *
 *
 v. *
 *
 Chevron Chemical Company, Inc., a *
 foreign corporation, *
 *
 Defendant Third Party *
 Plaintiff-Appellee, *
 *
 v. *
 *
 Montana-Dakota Utilities, Inc., a *
 division of MDU Resources Group, *
 Inc., *
 *
 Third Party Defendant- *
 Appellant. *
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 *
 Chemical Manufacturers Association, *
 *
 Amicus on Behalf of *
 Appellant. *

Submitted: December 13, 2000

Filed: December 19, 2000

Before McMILLIAN, FAGG, and MURPHY, Circuit Judges.

PER CURIAM.

Eric W. Smith was injured by an explosion and fire that occurred while he was fusing a high-volume tapping tee to a pressurized gas pipeline in South Dakota. Smith brought this diversity lawsuit against the tee's manufacturer, Chevron Chemical Company, Inc., alleging negligence and strict liability. Chevron brought third party claims against the pipeline's owner and operator, Montana-Dakota Utilities, Inc., for failure to comply with federal regulations and for negligent training and supervision. Following a trial, a jury returned a verdict in Smith's favor, finding Chevron 90% at fault and Montana Dakota 10% at fault. The jury awarded \$300,000 in compensatory damages and \$600,000 in punitive damages.

On appeal, Chevron asserts the district court committed error in submitting the question of punitive damages to the jury, in denying its motion for a new trial alleging the court erroneously admitted hearsay evidence of other accidents, in admitting expert testimony, and in granting Montana Dakota's motion instead of Chevron's motion for summary judgment on the "sophisticated user doctrine." On cross-appeal, Montana Dakota contends the district court committed error in denying its motion for summary judgment on Chevron's contribution claim. Having carefully reviewed the record, we conclude the district court made no reversible errors and thus affirm this state-law diversity case for the reasons stated in the district court's memorandum opinions and orders. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.