

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 08-3303

In re: Baycol Products Litigation,

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Gary Burke and Joyce R. Burke,

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Appellants,

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Mary Eunice Brewer; James B.
Brewer; Kathy Gembarowicz; Alma
Lee Harmon; Monica A. Jordan,

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Plaintiffs,

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v.

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Appeal from the United States
District Court for the
District of Minnesota.

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Bayer AG; Bayer Corporation;
GlaxoSmithKline PLC, individually
and as successor in interest to
SmithKline Beecham PLC and
Smith Kline Beecham Corporation,

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Appellees.

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Submitted: November 4, 2009
Filed: November 13, 2009

Before BYE, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Gary and Joyce Burke appeal the district court's¹ adverse grant of summary judgment in their diversity products-liability action. Having carefully reviewed the record, we find no abuse of discretion in the district court's exclusion of the opinion of the Burkes' expert. See Bland v. Verizon Wireless, LLC, 538 F.3d 893, 896 (8th Cir. 2008). We also agree with the district court's determination that, without such an opinion, there were no trialworthy issues on the Burkes' state-law claims. See Bannister v. Bemis Co., 556 F.3d 882, 884 (8th Cir. 2009) (reviewing de novo summary judgment order and interpretation of state law). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Michael J. Davis, Chief Judge, United States District Court for the District of Minnesota.