

## Syllabus

DOW CHEMICAL CO. ET AL. *v.* STEPHENSON ET AL.  
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE SECOND CIRCUIT

No. 02–271. Argued February 26, 2003—Decided June 9, 2003

273 F. 3d 249, vacated and remanded in part, and affirmed by an equally divided Court in part.

*Seth P. Waxman* argued the cause for petitioners. With him on the briefs were *Louis R. Cohen*, *Andrew L. Frey*, *Philip Allen Lacovara*, *Charles A. Rothfeld*, *Richard B. Katskee*, *Michele L. Odorizzi*, *Steven Brock*, and *John C. Sabetta*.

*Gerson H. Smoger* argued the cause for respondents. With him on the brief were *Mark R. Cuker* and *Ronald Simon*.\*

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\*Briefs of *amici curiae* urging reversal were filed for the American Insurance Association et al. by *Herbert M. Wachtell*, *Jeffrey M. Wintner*, *Craig A. Berrington*, *Lynda S. Mounts*, *Jan S. Amundson*, *Quentin Riegel*, and *Robin S. Conrad*; for the Product Liability Advisory Council by *John H. Beisner*; and for the Washington Legal Foundation by *Daniel J. Popeo* and *Richard A. Samp*.

Briefs of *amici curiae* urging affirmance were filed for the State of Louisiana et al. by *Richard P. Ieyoub*, Attorney General of Louisiana, and by the Attorneys General for their respective States as follows: *Mike Beebe* of Arkansas, *J. Joseph Curran, Jr.*, of Maryland, *Mike Hatch* of Minnesota, *Jeremiah W. (Jay) Nixon* of Missouri, and *Mike McGrath* of Montana; for the American Legion et al. by *William A. Rossbach* and *P. B. Onderdonk, Jr.*; for the Association of Trial Lawyers of America by *Jeffrey Robert White*; for Law Professors by *David L. Shapiro*, *John Leubsdorf*, and *Henry P. Monaghan*; for the Lymphoma Foundation of America et al. by *Raphael Metzger*; for Public Citizen by *Brian Wolfman*; and for Trial Lawyers for Public Justice by *Brent M. Rosenthal*, *Leslie Brueckner*, and *Misty A. Farris*.

*Patrick Lysaught* filed a brief for the Defense Research Institute as *amicus curiae*.

Per Curiam

PER CURIAM.

With respect to respondents Joe Isaacson and Phyllis Lisa Isaacson, the judgment of the Court of Appeals for the Second Circuit is vacated, and the case is remanded for further consideration in light of *Syngenta Crop Protection, Inc. v. Henson*, 537 U. S. 28 (2002).

With respect to respondents Daniel Raymond Stephenson, Susan Stephenson, Daniel Anthony Stephenson, and Emily Elizabeth Stephenson, the judgment is affirmed by an equally divided Court.

JUSTICE STEVENS took no part in the consideration or decision of this case.