

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS : Consolidated Under
LIABILITY LITIGATION (No. VI) : MDL DOCKET NO. 875

VARIOUS PLAINTIFFS :
v. :
VARIOUS DEFENDANTS :

FILED
DEC 11 2014
MICHAEL E. ROSENZ, Clerk
By _____ Dep. Clerk

Transferred from the Northern District of Ohio

Certain "MARDOC" cases listed in Exhibit "A," attached

MARDOC SUGGESTION OF REMAND (No. 10)

AND NOW, this 11th day of December, 2014, it is hereby ORDERED that, upon review of the cases listed in Exhibit "A," attached, and based on the factors identified in the Court's Administrative Order No. 18, No. 01-875 (E.D. Pa. April 30, 2009), ECF No. 6197, the Court finds that:

- a.) Plaintiffs have complied with MDL 875 Administrative Order No. 25, No. 02-875 (E.D. Pa. June 23, 2013), ECF No. 2614.
- b.) The parties have completed their obligations under the Rule 16 orders issued by the Court (see No. 02-875, ECF Nos. 594-600).
- c.) All discovery has been completed.
- d.) The Court has adjudicated all outstanding motions, including dispositive motions.
- e.) Rule 18 settlement discussions have been exhausted in the transferee court. Some of the parties have

indicated that additional settlement discussions may be beneficial after the case is remanded to the transferor court.

- f.) The Court finds that the cases are prepared for trial without delay once on the transferor court's docket, subject to any trial-related motions in limine (including Daubert challenges).
- g.) The remaining viable defendants for trial in each case, according to Plaintiffs, are listed in Exhibit "B," attached.
- h.) The Court issued an opinion on punitive damages on July 9, 2014 (see No. 02-875, ECF No. 4376). Any punitive damages claims that remain in an individual case are also remanded to the transferor court.¹

Accordingly, the Court **SUGGESTS** that the cases listed in Exhibit "A," attached, be **REMANDED** to the United States

¹ On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory claims over exemplary punitive damage windfalls; this prudent conservation more than vindicates the Panel's decision to withhold punitive damage claims on remand."); see also In re Roberts, 178 F.3d 181 (3d Cir. 1999). The maritime docket (MARDOC) has proceeded along a different track. See Sanchez v. Various Defendants, No. 02-875, 2014 WL 3353044, at *1 (E.D. Pa. July 9, 2014) (Robreno, J.). All remaining MARDOC cases should be closed or remanded in the near future. Accordingly, the Court deems it appropriate to remand all remaining claims in each of the MARDOC cases.

District Court for the **Northern District of Ohio** for resolution of all matters pending within each case.

Alternatively, the parties in each case have **seven (7) days** within which to consent to a trial before an Article III or Magistrate Judge in the Eastern District of Pennsylvania. In such an event, if consent is granted, a trial will be scheduled within sixty (60) days, on a date convenient to the parties in Philadelphia, Pennsylvania, and the Suggestion of Remand will be vacated as to that case.

It is further **ORDERED** that all viable (non-bankrupt) defendants who are not identified in Exhibit "B" as a pending defendant in each case are **DISMISSED** from the respective case(s).

AND IT IS SO ORDERED.



EDUARDO C. ROBRENO, J.

SUGGESTION OF REMAND MEMORANDUM

Updated November 24, 2014

To: Transferor Judge

From: Judge Eduardo C. Robreno, Presiding Judicial Officer, MDL 875

Re: Asbestos case that has been transferred to your court

Status of the case that has been transferred from the Eastern District of Pennsylvania

This case has been transferred back to the transferor court, from the MDL 875 Court in the Eastern District of Pennsylvania.

Cases that are remanded to transferor courts are ordinarily ready for trial, pursuant to this Court's Administrative Order No. 18 (see <http://www.paed.uscourts.gov/mdl875d.asp>).

Specific information regarding the history of a specific case while it was in the MDL 875 Court can be found in the Suggestion of Remand (above) that the MDL Court submitted to the Judicial Panel on Multidistrict Litigation in connection with its Order.

History of MDL 875, In re: Asbestos Products Liability Litigation

MDL 875, In re: Asbestos Products Liability Litigation, involves issues relating to personal injury damages caused by asbestos products. It currently consists of about 3,000 cases transferred by the Judicial Panel on Multidistrict Litigation, which has been transferring cases to the Eastern District of Pennsylvania since 1991. Each case typically consists of claims by multiple plaintiffs against multiple defendants. Since its inception, the litigation has involved more than 100,000 cases and up to ten million claims, including land-based and maritime claims ("MARDOC").

Beginning with Administrative Order No. 12 (see <http://www.paed.uscourts.gov/mdl875d.asp>) in 2008, the Court initiated an aggressive, pro-active policy to facilitate the processing of cases. The policy involves giving newly transferred cases scheduling orders; setting cases for settlement conferences; having motion hearings; and remanding trial-ready cases to transferor courts, or, in the alternative, holding trials in the Eastern District of Pennsylvania (if so requested by the parties). Administrative Order No. 25 serves the same purpose for MARDOC cases.

Resources available for transferor courts on the MDL 875 website

More information about the history of MDL 875 can be found on the Eastern District of Pennsylvania's MDL 875 website at <http://www.paed.uscourts.gov/mdl875a.asp>. Additionally, all Administrative Orders issued in this litigation (including current Orders and those no longer in effect) can be found at <http://www.paed.uscourts.gov/mdl875d.asp>.

Also on the website is an Excel spreadsheet of all decisions issued by the Presiding Officer on

substantive and procedural matters since 2008 (see <http://www.paed.uscourts.gov/mdl875n.asp>). This spreadsheet is updated regularly, and it can be sorted by jurisdiction, case caption, subject matter, party name, etc. It is also word searchable. The MDL-875 Court intends this spreadsheet to be a helpful resource for transferor courts addressing issues similar to those already addressed by the MDL-875 Court.

Other options available to assist the Transferor Court with legal research include searchable databases created by LexisNexis and Westlaw. Directions on how to access these databases can be found on <http://www.paed.uscourts.gov/mdl875n.asp>.

Contact information for the MDL 875 Court

The MDL 875 Court is ready, willing and able to assist the transferor court with any matters relating to the transfer of the case or any substantive or procedural issues that may arise.

You may contact the Presiding Judicial Officer (Judge_Eduardo_Robreno@paed.uscourts.gov), the MDL 875 law clerk (Christopher_Lucca@paed.uscourts.gov or (267) 299-7422), or the Clerk's Office ((267) 299-7012)) for further assistance.

Additional information pertaining to MDL 875

The Presiding Judicial Officer has written an extensive article on the history and current status of MDL 875 which may be helpful to the transferor judge. See Hon. Eduardo C. Robreno, The Federal Asbestos Product Liability Multidistrict Litigation (MDL 875): Black Hole or New Paradigm?, 23 Widener L.J. 97 (2014). The article can be found on Westlaw, or a PDF copy of the article can be provided by contacting the MDL 875 law clerk.

Exhibit A

PA-E Case Number	Caption	OH-N Case Number
2:11-cv-32545-ER	GARCIA v. A-C PRODUCT LIABILITY TRUST ET AL	95-10981
2:11-cv-32552-ER	MILLER et al v. A-C PRODUCT LIABILITY TRUST et al	97-11024
2:11-cv-32568-ER	DIETDERICH et al v. A-C PRODUCT LIABILITY TRUST et al	95-11543
2:11-cv-32572-ER	STRUCK et al v. A-C PRODUCT LIABILITY TRUST et al	96-11221
2:11-cv-32578-ER	ESTES et al v. A-C PRODUCT LIABILITY TRUST et al	97-10474
2:11-cv-32580-ER	MARTINEZ et al v. A-C PRODUCT LIABILITY TRUST et al	96-15517
2:11-cv-32589-ER	CASTRO et al v. A-C PRODUCT LIABILITY TRUST et al	96-11352
2:11-cv-32611-ER	LYNAM et al v. A C S INDUSTRIES, INC. et al	88-04723
2:11-cv-32615-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	97-14102
2:11-cv-32619-ER	WRIGHT et al v. A-C PRODUCT LIABILITY TRUST et al	95-10861
2:11-cv-32640-ER	DOYLE et al v. A-C PRODUCT LIABILITY TRUST et al	95-10747
2:11-cv-32643-ER	BURNHAM, SR. et al v. FOSTER WHEELER COMPANY et al	94-10936
2:11-cv-32646-ER	EL-HINDI et al v. HENDY INTERNATIONAL CORP. et al	86-03647
2:11-cv-32781-ER	CACERES et al v. ACANDS, INC. et al	89-15464
2:11-cv-32792-ER	ESHELBY et al v. A-C PRODUCT LIABILITY TRUST et al	97-14631
2:11-cv-32806-ER	GORSSNICKLE et al v. MOORE MCCORMACK LINES, INC. et al	86-00830
2:11-cv-32819-ER	COX et al v. A-C PRODUCT LIABILITY TRUST et al	96-10283
2:11-cv-32820-ER	WINTER et al v. FOSTER WHEELER ENERGY CORPORATION et al	93-10885
2:11-cv-32831-ER	RIVERA et al v. GRACE LINES/PRUDENTIAL LINES et al	86-03002
2:11-cv-32843-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	96-11661
2:11-cv-32845-ER	KRUSZYNSKI et al v. OLSON STEAMSHIP CO. et al	86-00891
2:11-cv-32858-ER	CHASE et al v. A-C PRODUCT LIABILITY TRUST et al	96-11155
2:11-cv-32863-ER	KAVANAUGH et al v. A-C PRODUCT LIABILITY TRUST et al	98-13052
2:11-cv-32869-ER	MAKER et al v. FOSTER WHEELER COMPANY et al	94-12462
2:11-cv-32870-ER	HOLMES et al v. FOSTER WHEELER COMPANY et al	93-10076
2:11-cv-32891-ER	FARRELL et al v. FOSTER WHEELER COMPANY et al	92-10807
2:11-cv-32912-ER	MATTHEWS et al v. LYKES BROS. STEAMSHIP CO. INC. et al	86-00919
2:11-cv-32967-ER	MATHEWS et al v. MATSON NAVIGATION CO., INC. et al	86-00972
2:11-cv-33006-ER	HASELDEN et al v. FOSTER WHEELER COMPANY et al	94-10485
2:11-cv-33011-ER	HURST v. AMERICAN TRADING TRANSP. CO. et al	93-11011
2:11-cv-33017-ER	HILL et al v. ALASKA STEAMSHIP COMPANY et al	93-12615
2:11-cv-33029-ER	DILLON et al v. ACANDS, INC. et al	92-10225
2:11-cv-33081-ER	VAZQUEZ v. FOSTER WHEELER COMPANY et al	94-11026
2:11-cv-33089-ER	DE BROSSE et al v. A-C PRODUCT LIABILITY TRUST et al	95-12940
2:11-cv-33107-ER	YUEN et al v. AMERICAN PRESIDENT LINES LTD. et al	93-12049
2:11-cv-33110-ER	MARRERO et al v. FOSTER WHEELER COMPANY et al	93-13462
2:11-cv-33177-ER	BUSH et al v. FOSTER WHEELER COMPANY et al	94-12704
2:11-cv-33179-ER	MEALEY et al v. A-C PRODUCT LIABILITY TRUST et al	95-13683
2:11-cv-33180-ER	FREEMAN et al v. A-C PRODUCT LIABILITY TRUST et al	95-10112
2:11-cv-33181-ER	BERNAL et al v. FOSTER WHEELER COMPANY et al	94-12697
2:11-cv-33184-ER	FAGAN et al v. ALLIED TOWING CORP. et al	86-04381
2:11-cv-33188-ER	WEAVER v. A-C PRODUCT LIABILITY TRUST et al	96-13908
2:11-cv-33196-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-14680
2:11-cv-33197-ER	CHANG et al v. AMERICAN EXPORT LINES INC. et al	86-04319

2:11-cv-33203-ER	NEWHOUSE et al v. AMERICAN STEAMSHIP CO. et al	93-10840
2:11-cv-33212-ER	GROTH et al v. ACANDS, INC. et al	92-10118
2:11-cv-33238-ER	CONCEPTION et al v. AMERICAN EXPORT LINES INC. et al	92-11045
2:11-cv-33249-ER	KLARSTROM et al v. AMERICAN STEAMSHIP CO. et al	86-02174
2:11-cv-33258-ER	MATTI et al v. ARNOLD BENSTEIN LINE et al	90-10745
2:11-cv-33262-ER	BARTEL (DIGGS) et al v. ACANDS, INC. et al	89-10775

Exhibit B

CIV	NAME	Defendant
2:11CV32545	Garcia, Cristobal	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32552	Platner, James B	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32568	Dietderich, Robert P	Gatke Corporation
		General Refractories
2:11CV32572	Struck, Daniel E	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32578	Estes, Dave A	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32580	Martinez, Concepcion	Gatke Corporation
		General Refractories
2:11CV32589	Castro, Alfonso J	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32611	Lynam, John J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32615	Thomas, Daniel J	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32619	Wright, Henderson	Gatke Corporation
		General Refractories
		John Crane Inc.
		New York & Cuba Mail S/S Co.
2:11CV32640	Doyle, Edna M	Gatke Corporation
		General Refractories
		John Crane Inc.

CIV	NAME	Defendant
2:11CV32643	Burnham, Sr., David	Gatke Corporation
		General Refractories
		John Crane Inc.
		Moore McCormack Bulk Transport Inc.
2:11CV32646	El-Hindi, Muhammad S	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Watter's Marine Inc.
2:11CV32781	Caceres, Luis	Gatke Corporation
		General Refractories
		John Crane Inc.
		New York & Cuba Mail S/S Co.
2:11CV32792	Eshelby, Vernon C	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32806	Grossnickle, William J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		J. J. Tennant Co. Oregon
		John Crane Inc.
2:11CV32819	Cox, Jeremiah D	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32820	Winter, Harold J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV32831	Rivera, Miguel	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.

CIV	NAME	Defendant
2:11CV32843	Harper, Roman V	Gatke Corporation
		General Refractories
		Hydromar Corp.
		John Crane Inc.
		Schiavone Construction Corp.
2:11CV32845	Kruszynski, Joseph J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32858	Chase, Rufus S	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Moore McCormack Bulk Transport Inc.
2:11CV32863	Kavanaugh, Morgan P	Cosmopolitan Shipping Co., Inc.
		Gatke Corporation
		General Refractories
2:11CV32869	Maker, James	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32870	Holmes, Orville R	Gatke Corporation
		General Refractories
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV32891	Farrell, William E	Cities Service Oil Company
		Gatke Corporation
		General Refractories
		John Crane Inc.

CIV	NAME	Defendant
2:11CV32912	Mathews, James	Gatke Corporation
		General Refractories
2:11CV32967	Mathews, John M	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33006	Haselden, Robert G	Chesterton Co., A. W.
2:11CV33011	Hurst, Bessie H	Gatke Corporation
		John Crane-Houdaille, Inc.
2:11CV33017	Hill, Clair S	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33029	Dillon, Homer C	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33081	Vazquez, Agapito	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Moore McCormack Bulk Transport Inc.
2:11CV33089	De Brosse, Michael	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33107	Yuen, Sing Z	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane-Houdaille, Inc.
2:11CV33110	Marrero, Rafael	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.

CIV	NAME	Defendant
2:11CV33177	Bush, William J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33179	Mealey, Ernest G	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Perini Corporation
2:11CV33180	Freeman, Richard F	Amoco Oil Co.
		Amoco Shipping Co.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Oswego Steamship Co.
2:11CV33181	Bernal, Ernesto	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33184	Fagan, Lawrence G	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Vinnell Corporation
2:11CV33188	Weaver, James D	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33196	Kim, John S.M.	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33197	Chang, Eugene	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33203	Newhouse, William H	American Steamship Co.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane-Houdaille, Inc.

CIV	NAME	Defendant
2:11CV33212	Groth, Robert C	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33238	Conception, Helen	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33249	Klarstrom, Larry J	American Steamship Co.
		Bell Steamship Company
		Chesterton Co., A. W.
		Cleveland Cliffs Iron Company
		Cleveland Cliffs S.S. Company
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Kinsman Lines Inc.
		Kinsman Marine Transit Company
		Reiss Steamship Company
		Zenith Dredge Co.
2:11CV33258	Matti, Gerald	Chesterton Co., A. W.
		Cleveland Cliffs Iron Company
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33262	Diggs, William E	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories