

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 : Transferred from the Northern
:
v. : District of Ohio
:
VARIOUS DEFENDANTS : Certain "MARDOC" cases listed
: in Exhibit "A," attached

MARDOC SUGGESTION OF REMAND (No. 13)

AND NOW, this 16th 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-32714-ER	ABAD et al v. GRACE LINES/PRUDENTIAL LINES et al	86-04229
2:11-cv-32844-ER	GOMES et al v. A-C PRODUCT LIABILITY TRUST et al	96-12590
2:11-cv-32899-ER	AL-AMMARI et al v. FOSTER WHEELER COMPANY et al	94-11040
2:11-cv-32900-ER	CAWTHORNE et al v. FOSTER WHEELER COMPANY et al	94-12584
2:11-cv-33117-ER	GABOURY et al v. ACANDS, INC. et al	91-10375
2:11-cv-33156-ER	BYRD v. A-C PRODUCT LIABILITY TRUST et al	98-10027
2:11-cv-33157-ER	DORRIAN v. AMERICAN EXPORT ISBRANDTSEN et al	93-12863
2:11-cv-33162-ER	VAZQUEZ-RIOS v. A-C PRODUCT LIABILITY TRUST et al	00-11235
2:11-cv-33265-ER	VELEZ et al v. A-C PRODUCT LIABILITY TRUST et al	97-11236
2:11-cv-33275-ER	CARRINGTON et al v. A-C PRODUCT LIABILITY TRUST et al	97-10166
2:11-cv-33276-ER	JORDAN et al v. ANCHOR SHIPPING CORP. et al	93-10550
2:11-cv-33286-ER	RIVERIA v. A-C PRODUCT LIABILITY TRUST et al	00-11437
2:11-cv-33289-ER	SHEPHARD v. A-C PRODUCT LIABILITY TRUST et al	00-11592
2:11-cv-33308-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	97-12981
2:11-cv-33315-ER	EDWARDS et al v. AMERICAN EXPORT LINES INC. et al	93-11567
2:11-cv-33319-ER	NEVES et al v. A-C PRODUCT LIABILITY TRUST et al	96-10643
2:11-cv-33325-ER	GRANT et al v. FOSTER WHEELER COMPANY et al.	94-10740
2:11-cv-33337-ER	FUNCK v. FOSTER WHEELER COMPANY et al	93-10817
2:11-cv-33356-ER	MILLER V. FOSTER WHEELER COMPANY et al	92-10966
2:11-cv-33368-ER	BELVIN et al v. AMERICAN PRESIDENT LINES, LTD. et al	86-00784
2:11-cv-33377-ER	MORILLA et al v. ACADEMY TANKERS INC. et al	93-10132
2:11-cv-33380-ER	ALTON et al v. A-C PRODUCT LIABILITY TRUST et al	97-10330
2:11-cv-33385-ER	PACKER et al v. AMERICAN BULK CARRIERS INC. et al	93-12633
2:11-cv-33403-ER	GOMES et al v. A-C PRODUCT LIABILITY TRUST et al	98-13828
2:11-cv-33408-ER	ELLISON et al v. A-C PRODUCT LIABILITY TRUST et al	96-13466
2:11-cv-33411-ER	SAUNDERS et al v. FOSTER WHEELER COMPANY et al	93-14199
2:11-cv-33412-ER	LEONG et al v. AMERICAN PRESIDENT LINES LTD. et al	93-11729
2:11-cv-33414-ER	BAXTER v. ASPEN MARINE et al	86-01567
2:11-cv-33428-ER	LEE et al v. FOSTER WHEELER ENERGY CORPORATION et al	93-10887
2:11-cv-33477-ER	FOELSTER et al v. UNITED STATES LINES INC. REORGANIZATION TRUST et al	94-12444
2:11-cv-33485-ER	ROSE et al v. ALASKA STEAMSHIP COMPANY et al	93-10460
2:11-cv-33489-ER	CLEVELAND et al v. STATES LINES/STATES STEAMSHIP et al	93-10458
2:11-cv-33497-ER	PETTERSSON et al v. ALASKA STEAMSHIP COMPANY et al	92-11378
2:11-cv-33507-ER	ROSALY et al v. UNITED STATES LINES INC. REORGANIZATION TRUST et al	96-12858
2:11-cv-33510-ER	KAMINSKI v. AMERICAN PRESIDENT LINES LTD. et al	89-11062
2:11-cv-33513-ER	DAVIS et al v. ACANDS, INC. et al	89-15515
2:11-cv-33546-ER	DIAZ et al v. PELICAN MARINE CARRIERS INC. et al	86-01608
2:11-cv-33555-ER	COLLADO et al v. ACANDS, INC. et al	89-16278
2:11-cv-33557-ER	KALAMA et al v. MATSON NAVIGATION CO., INC. et al	86-00801
2:11-cv-33567-ER	THOMASIAN et al v. AMERICAN EXPORT LINES INC. et al	92-10613
2:11-cv-33570-ER	GRABHORN et al v. FOSTER WHEELER COMPANY et al	93-13883
2:11-cv-33571-ER	PACHECO v. FOSTER WHEELER COMPANY et al	93-13952

2:11-cv-33587-ER	GLYNN et al v. A-C PRODUCT LIABILITY TRUST et al	95-11871
2:11-cv-33589-ER	SAPERRE et al v. FOSTER WHEELER COMPANY et al	94-11547
2:11-cv-33610-ER	EPPS v. AMERICAN EXPORT LINES INC. et al	86-04348
2:11-cv-33635-ER	SABELLA v. ALASKA STEAMSHIP COMPANY et al	93-10233
2:11-cv-33645-ER	DURANT v. FOSTER WHEELER COMPANY et al	94-10425
2:11-cv-33652-ER	MICHALSKI et al v. FOSTER WHEELER COMPANY et al	92-10851
2:11-cv-33717-ER	PITTER et al v. A-C PRODUCT LIABILITY TRUST et al	95-12788
2:11-cv-33718-ER	STATH et al v. A-C PRODUCT LIABILITY TRUST et al	96-10708

Exhibit B

Case Number	Plaintiff Name	Remand Defendant
2:11CV32714	Abad, Jose A	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		New York & Cuba Mail S/S Co.
		United Fruit Company
2:11CV32844	Gomes, Jose M	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		New York & Cuba Mail S/S Co.
		United Fruit Company
2:11CV32899	Al-Ammari, Kaid A	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Moore McCormack Bulk Transport Inc.
2:11CV32900	Cawthorne, Bobby W	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33117	Gaboury, Charles H	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33156	Byrd, Jr., Grady	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		New York & Cuba Mail S/S Co.
2:11CV33157	Dorrian, Owen	Port San Juan Towing
2:11CV33162	Vazquez-Rios, Alfredo	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.

Case Number	Plaintiff Name	Remand Defendant
2:11CV33265	Velez, Ramon	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33275	Carrington, Richard B	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33276	Jordan, Jack K	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane-Houdaille, Inc.
2:11CV33286	Riveria, Jose A	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33289	Shephard, John K	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Mormac Marine Transport, Inc.
2:11CV33308	D'Guerra, Anthony P	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33315	Edwards, Walter J	American Oil Co.
		Amoco Oil Co.
		Chesterton Co., A. W.
		Cosmopolitan Shipping Co., Inc.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		John Crane-Houdaille, Inc.
		United Fruit Company
2:11CV33319	Neves, Christano	Barber Asphalt Corp.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Standard Oil Co. of Indiana
2:11CV33325	Grant, Stephen	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories

Case Number	Plaintiff Name	Remand Defendant
2:11CV33337	Funck, Sr., Sidney P	Gatke Corporation
		John Crane-Houdaille, Inc.
2:11CV33356	Bryan, Benjamin B	Southport Steamship Corporation
2:11CV33368	Belvin, Robert R	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Southern Star Shipping Co., Inc.
		W. R. Chamberlin Co.
2:11CV33377	Morilla, Ivan W	American Oil Co.
		Amoco Shipping Co.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV33380	Alton, Charles W	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		United Fruit Company
2:11CV33385	Packer, Ronald	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33403	Gomes, Harwood	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33408	Ellison, Charles I	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		J. J. Tennant Co.
		John Crane Inc.
2:11CV33411	Saunders, Earl F	Chesterton Co., A. W.
		New York & Cuba Mail S/S Co.
2:11CV33412	Leong, Al	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV33414	Baxter Sr., Bradley A	Pelican Marine Carriers Inc.
2:11CV33428	Lee, Bong S	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		John Crane-Houdaille, Inc.
		Moore McCormack Bulk Transport Inc.

Case Number	Plaintiff Name	Remand Defendant
2:11CV33477	Foelster, Richard J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33485	Rose, Vernon J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane-Houdaille, Inc.
2:11CV33489	Cleveland, Andrew L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV33497	Pettersson, Erik K	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane-Houdaille, Inc.
2:11CV33507	Rosaly, Hector L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33510	Kaminski, Joseph	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33513	Davis, Clinton S	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33546	Diaz, Froylan F	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Pelican Marine Carriers Inc.
2:11CV33555	Collado, Herman L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33557	Kalama, Henry	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.

Case Number	Plaintiff Name	Remand Defendant
2:11CV33567	Thomasian, Robert	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33570	Grabhorn, Heinz W	Amoco Shipping Co.
		Chesterton Co., A. W.
2:11CV33571	Pacheco, Jose	Chesterton Co., A. W.
2:11CV33587	Glynn, Richard J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33589	Sapere, Francis J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33610	Epps, Melvin	Moore McCormack Bulk Transport Inc.
2:11CV33635	Sabella, Alfred J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV33645	Durant, Emile A	Chesterton Co., A. W.
		United Fruit Company
2:11CV33652	Michalski, Joseph F	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33717	Pitter, Kenneth	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33718	Stath, Mario P	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories