

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
District of Ohio
v. :
JAN 20 2015 : Certain "MARDOC" cases listed
VARIOUS DEFENDANTS : in Exhibit "A," attached
By MICHAEL E. KUNZ, Clerk
Dep. Clerk

MARDOC SUGGESTION OF REMAND (No. 19)

AND NOW, this 20th day of January, 2015, 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
2:09-cv-30169-ER	SANCHEZ v. A-C PRODUCT LIABILITY TRUST et al	01-10056
2:09-cv-30392-ER	BARTEL (PALERMO) et al v. A-C PRODUCT LIABILITY TRUST et al	01-10138
2:09-cv-91031-ER	BARTEL (SLAGLE) et al v. A-C PRODUCT LIABILITY TRUST et al	09-10014
2:10-cv-30605-ER	SENNA v. A-C PRODUCT LIABILITY TRUST et al	01-10975
2:10-cv-30765-ER	BARTEL (LAMB) et al v. A-C PRODUCT LIABILITY TRUST et al	02-10202
2:10-cv-30835-ER	LOW v. A C PRODUCT LIABILITY TRUST et al	04-10022
2:10-cv-37996-ER	BARTEL (MORGAN) et al v. A-C PRODUCT LIABILITY TRUST et al	97-14226
2:11-cv-30936-ER	RIVERA et al v. A-C PRODUCT LIABILITY TRUST et al	00-11405
2:11-cv-30937-ER	RIVERA v. FOSTER WHEELER COMPANY et al	94-10654
2:11-cv-30939-ER	RODRIGUEZ v. A-C PRODUCT LIABILITY TRUST et al	98-10548
2:11-cv-30941-ER	MILLER et al v. A-C PRODUCT LIABILITY TRUST et al	95-13203
2:11-cv-30948-ER	ROSEVEARE v. A-C PRODUCT LIABILITY TRUST et al	98-14245
2:11-cv-30950-ER	ROUZAN v. FOSTER WHEELER COMPANY et al	94-10690
2:11-cv-30953-ER	ROBERSON et al v. A-C PRODUCT LIABILITY TRUST et al	97-14188
2:11-cv-30957-ER	ROBINSON et al v. A-C PRODUCT LIABILITY TRUST et al	98-10878
2:11-cv-30958-ER	ROBINSON et al v. FOSTER WHEELER COMPANY et al	94-12428
2:11-cv-30959-ER	ROBINSON et al v. A-C PRODUCT LIABILITY TRUST et al	95-10122
2:11-cv-30961-ER	RODGERS et al v. A-C PRODUCT LIABILITY TRUST et al	98-13387
2:11-cv-30980-ER	SARGENT et al v. A-C PRODUCT LIABILITY TRUST et al	98-13240
2:11-cv-30981-ER	SAVAGE et al v. A-C PRODUCT LIABILITY TRUST et al	98-10925
2:11-cv-30993-ER	SHERBULA et al v. FOSTER WHEELER COMPANY et al	94-11819
2:11-cv-30994-ER	SHIELDS et al v. A-C PRODUCT LIABILITY TRUST et al	98-10701
2:11-cv-30999-ER	SILLETT et al v. A-C PRODUCT LIABILITY TRUST et al	97-13834
2:11-cv-31000-ER	SILVA et al v. A-C PRODUCT LIABILITY TRUST, et al	98-11632
2:11-cv-31001-ER	SIMMONS v. A-C PRODUCT LIABILITY TRUST et al	99-10323
2:11-cv-31029-ER	BACHMAYER et al v. A-C PRODUCT LIABILITY TRUST et al	96-13127
2:11-cv-31237-ER	VALIENTE et al v. A-C PRODUCT LIABLITY TRUST et al	97-13978
2:11-cv-31593-ER	MCMAHON et al v. A-C PRODUCT LIABILITY TRUST et al	97-10295
2:11-cv-31627-ER	AST v. A-C PRODUCT LIABILITY TRUST et al	98-13781
2:11-cv-31628-ER	ROSELLO v. A-C PRODUCT LIABILITY TRUST et al	94-13283
2:11-cv-31691-ER	RUNGE v. A-C PRODUCT LIABILITY TRUST et al	00-10965
2:11-cv-31694-ER	PEPPARD v. A-C PRODUCT LIABILITY TRUST et al	00-10624
2:11-cv-31699-ER	SANTIAGO v. A-C PRODUCT LIABILITY TRUST et al	99-10838
2:11-cv-32304-ER	BOSCH et al v. A-C PRODUCT LIABILITY TRUST et al	95-12887
2:11-cv-32478-ER	LACHAPPELLE v. A-C PRODUCT LIABILITY TRUST et al	96-12261
2:11-cv-32799-ER	PACHECO et al v. ACANDS, INC. et al	91-10302
2:11-cv-32884-ER	KEYS v. A-C PRODUCT LIABILITY TRUST et al	95-13063
2:11-cv-33207-ER	WAYNE et al v. A-C PRODUCT LIABILITY TRUST et al	00-11670
2:11-cv-33339-ER	VENNING et al v. AMERICAN EXPORT ISBRANDTSEN et al	92-11337
2:11-cv-33349-ER	MILLER v. FOSTER WHEELER COMPANY et al	93-10158
2:11-cv-33358-ER	FERNANDEZ et al v. FOSTER WHEELER COMPANY et al	93-10068
2:11-cv-33379-ER	PALI et al v. A-C PRODUCT LIABILITY TRUST et al	95-10294
2:11-cv-33407-ER	CANNOLES et al v. A-C PRODUCT LIABILITY TRUST et al	97-11120

2:11-cv-33409-ER	BETANCOURT v. AMERICAN FOREIGN S.S. CORP. et al	93-10345
2:11-cv-33455-ER	MONGONIA v. LYKES BROS. STEAMSHIP CO. INC. et al	92-11103
2:11-cv-33508-ER	THOMPSON et al v. UNITED STATES LINES INC. REORGANIZATION TRUST et al	97-10908
2:11-cv-33509-ER	LADZINSKI et al v. A-C PRODUCT LIABILITY TRUST et al	96-12813
2:11-cv-33531-ER	JANG et al v. AMERICAN PRESIDENT LINES LTD. et al	86-01923
2:11-cv-33572-ER	HADLEY et al v. BLACK SHIPS INC. et al	91-10163
2:11-cv-33595-ER	KENDALL et al v. A-C PRODUCT LIABILITY TRUST et al	95-15018

EXHIBIT B

Civil Action No.	Name	Remand Defendant
2:09CV30169	Sanchez, Hector L	Mobil Oil Corporation
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:09CV30392	Palermo, Angelo J	Farrell Lines Inc.
		Trinidad Corporation
		Amoco Shipping Co.
		Conoco Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:09CV91031	Slagle, Richard L	Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30605	Senna, Raymond J	Humble Oil & Refining Company
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30765	Lamb, Roger L	Cleveland Cliffs Iron Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30835	Low, Richard W	American Export Lines Inc.
		American Export Isbrandtsen
		United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV37996	Morgan, Joseph F	Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV30936	Rivera, Robert	Gatke Corporation
		General Refractories
2:11CV30937	Rivera Sr., Ruperto	Gatke Corporation
		General Refractories
2:11CV30939	Rodriguez, Raul F	Gatke Corporation
		General Refractories
2:11CV30941	Rogers, Jr., Edward	Amoco Shipping Co.
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30948	Roseveare, Mitchell B	Gatke Corporation
		General Refractories
2:11CV30950	Rouzan, Richard R	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30953	Roberson, Ulysses	Gatke Corporation
		General Refractories
2:11CV30957	Robinson, George	New York & Cuba Mail S/S Co.
		Gatke Corporation
		General Refractories
2:11CV30958	Robinson, Harold P	Humble Oil & Refining Company
		Exxon Mobil Corporation
		Gatke Corporation
		General Refractories
2:11CV30959	Robinson, James E	Mobil Oil Corporation
		Humble Oil & Refining Company
		Exxon Company USA
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30961	Rodgers, Paul O	Mathiasen Tanker Ind. Inc.
		Esso Shipping Co.
		Gatke Corporation
		General Refractories
2:11CV30980	Sargent, James L	Trinidad Corporation
		BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30981	Savage, John R	West Coast Shipping Company
		Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV30993	Sherbula, George S	Gatke Corporation
		General Refractories

2:11CV30994	Shields, Walter C	Coastwise Trading Company
		Amoco Shipping Co.
		Moore McCormack Bulk Transport Inc.
		GlenEagle Ship Management Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30999	Sillett, Andrew	Gatke Corporation
		General Refractories
2:11CV31000	Silva, Efrain	United Fruit Company
		Gatke Corporation
		General Refractories
2:11CV31001	Simmons, Raymond O	Gatke Corporation
		General Refractories
2:11CV31029	Bachmayer, William A	Gatke Corporation
		General Refractories
2:11CV31237	Valiente, Marcelino L	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31593	McMahon, Sr., William J	Cleveland Cliffs Iron Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31627	Ast, Werner K	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31628	Rosello, Jorge	Gatke Corporation
		General Refractories
2:11CV31691	Runge, Robert R	Gatke Corporation
		General Refractories
2:11CV31694	Peppard, Alfred	Gatke Corporation
		General Refractories

2:11CV31699	Santiago, Renaldo N	Gatke Corporation
		General Refractories
2:11CV32304	Bosch, Ruben	United Fruit Company
		New York & Cuba Mail S/S Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV32478	Lachappelle, Eugene	Cleveland Tankers Inc.
		Atlantic Refining Company
		Standard Oil Co. of New Jersey
		Pickands Mather & Co.
		Cleveland Cliffs Iron Company
		Barber Asphalt Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV32799	Pacheco, Ricardo	Gatke Corporation
		General Refractories
2:11CV32884	Keys Jr., Daniel	Arco Marine Inc.
		American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV33207	Wayne, Richard A	Socony Vacuum Oil Company
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV33339	Venning, James M	American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		John Crane-Houdaille, Inc.
2:11CV33349	Stankiewicz, Alfred J	Amoco Shipping Co.
		Gatke Corporation
		John Crane-Houdaille, Inc.

2:11CV33358	Fernandez, Charles L	United Fruit Company
		Amoco Shipping Co.
		New York Cuba Mail Co.
		Barber Asphalt Corp.
		Chiquita Brands International, Inc.
		BP Corporation N.A.
		Gatke Corporation
		General Refractories
		John Crane-Houdaille, Inc.
2:11CV33379	Pali, Jacob	Mathiasen Tanker Ind. Inc.
		Moore McCormack Bulk Transport Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV33407	Cannoles, Howard B	American Oil Co.
		Esso Standard Oil Co.
		Humble Oil & Refining Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV33409	Betancourt, Cristobal	United Fruit Company
		American Oil Co.
		Gatke Corporation
		John Crane-Houdaille, Inc.
2:11CV33455	Mongonia, Joe	Gatke Corporation
		General Refractories
2:11CV33508	Thompson, William E	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV33509	Ladzinski, Peter J	Farrell Lines Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV33531	Jang, Chee K	Gatke Corporation
		General Refractories
2:11CV33572	Hadley, Sr., Roy	American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV33595	Kendall, Frederick R	Amoco Transport Co.
		BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories