

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

FILED

Transferred from the Northern
District of Ohio

v.

JAN 20 2015

VARIOUS DEFENDANTS

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

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

MARDOC SUGGESTION OF REMAND (No. 20)

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

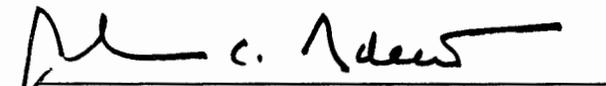
¹ On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory claims over 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
2:10-cv-52903-ER	LUCENA v. A-C PRODUCT LIABILITY TRUST	96-13512
2:11-cv-30091-ER	ALOMARI v. FOSTER WHEELER COMPANY et al	94-12169
2:11-cv-30095-ER	AMAT v. A-C PRODUCT LIABILITY TRUST et al	98-12374
2:11-cv-30104-ER	ARMISTEAD et al v. FOSTER WHEELER COMPANY et al	94-12723
2:11-cv-30143-ER	BERG v. A-C PRODUCT LIABILITY TRUST et al	97-14137
2:11-cv-30146-ER	BERT v. A-C PRODUCT LIABILITY TRUST et al	00-10737
2:11-cv-30171-ER	BOYD v. FOSTER WHEELER COMPANY et al	94-11626
2:11-cv-30179-ER	BRIGHT v. A-C PRODUCT LIABILITY TRUST et al	00-10417
2:11-cv-30186-ER	BROWN v. FOSTER WHEELER COMPANY et al	94-12659
2:11-cv-30189-ER	BRUHIER v. A-C PRODUCT LIABILITY TRUST et al	98-10676
2:11-cv-30198-ER	BUSH et al v. A-C PRODUCT LIABILITY TRUST et al	96-15970
2:11-cv-30207-ER	CALLAWAY v. FOSTER WHEELER COMPANY et al	94-11712
2:11-cv-30224-ER	CEPEDA et al v. FOSTER WHEELER COMPANY et al	93-13382
2:11-cv-30232-ER	CLAY et al v. A-C PRODUCT LIABILITY TRUST et al	96-13371
2:11-cv-30246-ER	FASANO et al v. A-C PRODUCT LIABILITY TRUST et al	97-11962
2:11-cv-30262-ER	FLORES v. FOSTER WHEELER COMPANY et al	94-12605
2:11-cv-30323-ER	DAMON et al v. A-C PRODUCT LIABILITY TRUST et al	97-11186
2:11-cv-30348-ER	DENKINS et al v. A-C PRODUCT LIABILITY TRUST et al	97-12214
2:11-cv-30350-ER	BARTEL V. ACADEMY TANKERS INC., ET AL.	94-11104
2:11-cv-30352-ER	DIAMOND et al v. A-C PRODUCT LAIBILITY TRUST et al	96-13560
2:11-cv-30360-ER	DOUGLAS et al v. FOSTER WHEELER COMPANY et al	94-11737
2:11-cv-30371-ER	GONCALVES v. A-C PRODUCT LIABILITY TRUST et al	96-13144
2:11-cv-30429-ER	HENNESSEY v. A-C PRODUCT LIABILITY TRUST et al	98-14826
2:11-cv-30445-ER	HANNAN et al v. A-C PRODUCT LIABILITY TRUST et al	97-13893
2:11-cv-30459-ER	EDWARDS v. A-C PRODUCT LIABILITY TRUST et al	99-10800
2:11-cv-30483-ER	MARTINEZ et al v. A-C PRODUCT LIABILITY TRUST et al	98-12851
2:11-cv-30490-ER	MAZONE et al v. A-C PRODUCT LIABILITY TRUST et al	96-15864
2:11-cv-30503-ER	MCELROY et al v. A-C PRODUCT LIABILITY TRUST et al	97-10804
2:11-cv-30510-ER	MCMANUS et al v. A-C PRODUCT LIABILITY TRUST et al	94-13576
2:11-cv-30606-ER	PARKINSON et al v. FOSTER WHEELER COMPANY et al	94-11484
2:11-cv-30630-ER	HUY et al v. A-C PRODUCT LIABILITY TRUST et al	98-12776
2:11-cv-30635-ER	JACKSON v. A-C PRODUCT LIABILITY TRUST et al	98-11136
2:11-cv-30643-ER	JENKINS v. A-C PRODUCT LIABILITY TRUST et al	98-14825
2:11-cv-30681-ER	KISSEN et al v. A-C PRODUCT LIABILTY TRUST et al	97-12702
2:11-cv-30686-ER	KUKAHIKO et al v. A-C PRODUCT LIABILITY TRUST et al	98-10663
2:11-cv-30718-ER	LINCOLN v. FOSTER WHEELER COMPANY et al	94-11749
2:11-cv-30723-ER	LOPEZ v. A-C PRODUCT LIABILITY TRUST et al	97-12619
2:11-cv-30756-ER	STOLLBERG et al v. A-C PRODUCT LIABILITY TRUST et al	97-12621
2:11-cv-30760-ER	SULLIVAN v. A-C PRODUCT LIABILITY TRUST et al	98-13862
2:11-cv-30782-ER	TOJINO v. A-C PRODUCT LIABILITY TRUST et al	98-13236
2:11-cv-30786-ER	TOVES v. A-C PRODUCT LIABILITY TRUST et al	98-12754
2:11-cv-30791-ER	TUCKER v. A-C PRODUCT LIABILITY TRUST et al	98-11177
2:11-cv-30841-ER	WIGGINS et al v. A-C PRODUCT LIABILITY TRUST et al	99-12313

2:11-cv-30843-ER	WILLIAMS et al v. A-C PRODUCT LIABILITY TRUST et al	98-11853
2:11-cv-30885-ER	PETRO et al v. A-C PRODUCT LIABILITY TRUST et al	96-15224
2:11-cv-30887-ER	PICKLE et al v. FOSTER WHEELER COMPANY et al	94-11528
2:11-cv-30893-ER	PIRES v. A-C PRODUCT LIABILITY TRUST et al	00-11196
2:11-cv-30895-ER	PITTMAN v. FOSTER WHEELER COMPANY et al	93-14157
2:11-cv-30896-ER	PITTS v. A-C PRODUCT LIABILITY TRUST et al	99-13119
2:11-cv-30916-ER	RAINES et al v. FOSTER WHEELER COMPANY et al	94-10182

EXHIBIT B

Civil Action No.	Name	Remand Defendant
2:10CV52903	Lucena, Miguel S	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV30091	Alomari, Tahir A	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		IMO Industries, Inc.
2:11CV30095	Amat, Kadir P	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30104	Armistead, James M	Misener Marine Construction, Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30143	Berg, Hans K	Trinidad Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30146	Bert, Jeremy W	Farrell Lines Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30171	Boyd, Robert	Amoco Shipping Co.
		American Oil Co.
		Amoco Transport Co.
		Barber Asphalt Corp.
		Pan American Petroleum and Transport Company
		Gatke Corporation
		General Refractories
2:11CV30179	Bright, Alexander O	Mobil Oil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30186	Brown, Edward W	Farrell Lines Inc.
		Sinclair Refining Company
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		General Refractories
2:11CV30189	Bruhier, Alfonso L	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30198	Bush, Kenneth L	Exxon Company USA
		Exxon Shipping Co.
		St. Philip Towing Co.
		Humble Oil Co.
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30207	Callaway, Jack D	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30224	Cepeda, Jose G	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30232	Clay, Charles C	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30246	Fasano, Richard D	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30262	Flores, Henry	American Export Isbrandtsen
		Mobil Oil Corporation
		Gatke Corporation
		General Refractories
2:11CV30323	Damon, George W	American Oil Co.
		Boland & Cornelius
		Barber Asphalt Corp.
		Pan American Petroleum and Transport Company
		BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30348	Denkins, Roger	Exxon Shipping Co.
		Gatke Corporation
		General Refractories
2:11CV30350	Dennis, Joseph L	Amoco Oil Co.
		GlenEagle Ship Management Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30352	Diamond, Arthur	Gatke Corporation
		General Refractories
2:11CV30360	Douglas, Willie	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30371	Goncalves, Jose L	Exxon Company USA
		Exxon Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30429	Hennessey, William S	Gatke Corporation
		General Refractories
2:11CV30445	Hannan, Jack N	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30459	Edwards, Robert	Humble Oil & Refining Company
		Exxon Company USA
		Exxon Shipping Co.
		Humble Oil Co.
		SeaRiver Maritime Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30483	Martinez, Andres	Humble Oil & Refining Company
		Exxon Company USA
		Exxon Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30490	Mazone, Eddie	Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30503	McElroy, Edgar B	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30510	McManus, William M	Farrell Lines Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30606	Parkinson III, Thomas H	Trinidad Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30630	Huy, Mario J	Pelican Marine Carriers Inc.
		Trinidad Corporation
		United Fruit Company
		Moore McCormack Bulk Transport Inc.
		Mormac Marine Transport, Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV30635	Jackson, Milton V	Mobil Oil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30643	Jenkins, III, William A	Humble Oil & Refining Company
		Exxon Company USA
		Exxon Shipping Co.
		SeaRiver Maritime Inc.
		Gatke Corporation
		John Crane Inc.
2:11CV30681	Kissen, Martin	General Refractories
		Gatke Corporation
		John Crane Inc.
2:11CV30686	Kukahiko Sr., Edward N	General Refractories
		Gatke Corporation
2:11CV30718	Lincoln, James T	Exxon Company USA
		Exxon Shipping Co.
		SeaRiver Maritime Inc.
		Gatke Corporation
		John Crane Inc.
2:11CV30723	Lopez, Abelardo	General Refractories
		Esso Standard Oil Co.
		Humble Oil & Refining Company
		Esso Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30756	Stollberg, Jack	United Fruit Company
		Standard Oil Co. of New Jersey
		Esso Shipping Co.
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
2:11CV30760	Sullivan, Bobby L	General Refractories
		Richfield Oil Corporation
		Gatke Corporation
		John Crane Inc.
2:11CV30782	Tojino, Ernesto C	General Refractories
		United Fruit Company
		Mathiasen Tanker Ind. Inc.
		Exxon Company USA
		Exxon Shipping Co.
		SeaRiver Maritime Inc.
2:11CV30786	Toves, David B	Gatke Corporation
		John Crane Inc.
		General Refractories
		Mathiasen Tanker Ind. Inc.
		Oswego Steamship Co.
		Gatke Corporation
2:11CV30791	Tucker, Willmot A	John Crane Inc.
		General Refractories
		Amoco Shipping Co.
		Gatke Corporation
2:11CV30841	Wiggins, Walter B	General Refractories
		Sun Transport Inc.
		Sun Oil Corp.
		Sun Refining & Marketing Co.
		Gatke Corporation
		John Crane Inc.
2:11CV30843	Williams, Cad E	General Refractories
		Gatke Corporation
		John Crane Inc.
2:11CV30885	Petro, Joseph S	General Refractories
		United Fruit Company
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30887	Pickle, Bobby G	American Export Lines Inc.
		Farrell Lines Inc.
		Standard Oil Co. of New Jersey
		Mathiasen Tanker Ind. Inc.
		Esso Standard Oil Co.
		Humble Oil & Refining Company
		Esso Shipping Co.
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30893	Pires, Joaquim J	Arco Marine Inc.
		Humble Oil & Refining Company
		Exxon Company USA
		Exxon Shipping Co.
		Humble Oil Co.
		SeaRiver Maritime Inc.
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30895	Pittman, John H	Sinclair Refining Company
		Alabama Dry Dock
2:11CV30896	Pitts, Edward J	Morania Oil Tanker Corp.
		Gatke Corporation
		General Refractories
2:11CV30916	Raines, Robert F	Farrell Lines Inc.
		Trinidad Corporation
		Cosmopolitan Shipping Co., Inc.
		Barber Asphalt Corp.