

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
:
v. : **JAN 22 2015** : District of Ohio
:
VARIOUS DEFENDANTS : Certain "MARDOC" cases listed
in Exhibit "A," attached

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

MARDOC SUGGESTION OF REMAND (No. 21)

AND NOW, this 21st 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
2:11-cv-30918-ER	RALEY et al v. A-C PRODUCT LIABILITY TRUST et al	96-15906
2:11-cv-30946-ER	ROSE et al v. A-C PRODUCT LIABILITY TRUST et al	95-10084
2:11-cv-30947-ER	ROSE et al v. A-C PRODUCT LIABILITY TRUST et al	97-10790
2:11-cv-30949-ER	ROSSI et al v. FOSTER WHEELER COMPANY et al	94-11906
2:11-cv-30969-ER	SADLOWSKI v. A-C PRODUCT LIABILITY TRUST et al	98-12583
2:11-cv-30975-ER	SANABRIA et al v. A-C PRODUCT LIABILITY TRUST et al	97-15088
2:11-cv-30984-ER	SEDDON et al v. A-C PRODUCT LIABILITY TRUST et al	98-13247
2:11-cv-30990-ER	SHAW v. FOSTER WHEELER COMPANY et al	93-14245
2:11-cv-30992-ER	SHAY v. A-C PRODUCT LIABILITY TRUST et al	98-13211
2:11-cv-30996-ER	SIAS v. A-C PRODUCT LIABILITY TRUST et al	98-12010
2:11-cv-31004-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-14641
2:11-cv-31006-ER	SKINNER et al v. FOSTER WHEELER COMPANY et al	93-14254
2:11-cv-31008-ER	SMITH et al v. A-C PRODUCT LIABILITY TRUST et al	96-14178
2:11-cv-31012-ER	SMITH et al v. A-C PRODUCT LIABILITY TRUST et al	97-13761
2:11-cv-31013-ER	SMITH et al v. A-C PRODUCT LIABILITY TRUST et al	98-14086
2:11-cv-31014-ER	SMITH v. A-C PRODUCT LIABILITY TRUST et al	94-13190
2:11-cv-31018-ER	AGUAYO v. A-C PRODUCT LIABILITY TRUST et al	97-12075
2:11-cv-31023-ER	ANDERSON et al v. A-C PRODUCT LIABILITY TRUST et al	98-13385
2:11-cv-31024-ER	ANDERSON et al v. A-C PRODUCT LIABILITY TRUST et al	95-10384
2:11-cv-31028-ER	JOHN P.AUFFREDOU v. A-C PRODUCT LIABILITY TRUST et al	00-10469
2:11-cv-31034-ER	BASTIAN v. FOSTER WHEELER COMPANY et al	93-13402
2:11-cv-31041-ER	BISHOP et al v. FOSTER WHEELER COMPANY et al	94-12816
2:11-cv-31044-ER	BOSCHETTI et al v. A-C PRODUCT LIABILITY TRUST et al	00-10555
2:11-cv-31047-ER	CARLSON et al v. A-C PRODUCT LIABILITY TRUST et al	00-12115
2:11-cv-31048-ER	BRIGHT v. A-C PRODUCT LIABILITY TRUST et al	98-11851
2:11-cv-31050-ER	BROWN et al v. FOSTER WHEELER COMPANY et al	94-10874
2:11-cv-31054-ER	CANNATELLA v. A-C PRODUCT LIABILITY TRUST	95-10452
2:11-cv-31056-ER	CATALALOS et al v. A-C PRODUCT LIABILITY TRUST	96-12928
2:11-cv-31057-ER	CINTRON v. A-C PRODUCT LIABILITY TRUST	97-10023
2:11-cv-31058-ER	CIRAULO et al v. A-C PRODUCT LIABILITY TRUST	97-10094
2:11-cv-31072-ER	SHOHATEE v. A-C PRODUCT LIABILITY TRUST et al	01-10207
2:11-cv-31079-ER	STERLING et al v. A-C PRODUCT LIABILITY TRUST et al	98-14360
2:11-cv-31081-ER	SWILLINGER et al v. A-C PRODUCT LIABILITY TRUST et al	00-10137
2:11-cv-31083-ER	THOMAS et al v. A-C PRODUCT LIABILITY TRUST et al	98-10997
2:11-cv-31086-ER	TODD et al v. A-C PRODUCT LIABILITY TRUST et al	97-13411
2:11-cv-31088-ER	TRAHAN et al v. A-C PRODUCT LIABILITY TRUST et al	98-13423
2:11-cv-31089-ER	TRAMMELL v. A-C PRODUCT LIABILITY TRUST et al	97-10358
2:11-cv-31095-ER	VEILLON et al v. A-C PRODUCT LIABILITY TRUST et al	98-10679
2:11-cv-31098-ER	WALKER v. A-C PRODUCT LIABILITY TRUST et al	97-12126
2:11-cv-31099-ER	WANNER v. A-C PRODUCT LIABILITY TRUST et al	95-13757
2:11-cv-31102-ER	WILKINS et al v. FOSTER WHEELER COMPANY et al	94-10970
2:11-cv-31120-ER	BARTEL v. AMERICAN PRESIDENT LINES LTD., ET. AL.	94-11849
2:11-cv-31121-ER	NIHIPALI et al v. A-C PRODUCT LIABILITY TRUST et al	98-14248

2:11-cv-31122-ER	NIRDE v. A-C PRODUCT LIABILITY TRUST et al	96-13974
2:11-cv-31133-ER	PERRY v. A-C PRODUCT LIABILITY TRUST et al	97-10283
2:11-cv-31134-ER	PETERSEN et al v. A-C PRODUCT LIABILITY TRUST et al	94-12892
2:11-cv-31137-ER	PINES, JR. et al v. A-C PRODUCT LIABILITY TRUST et al	99-11860
2:11-cv-31142-ER	PRADO v. A-C PRODUCT LIABILITY TRUST et al	94-13180
2:11-cv-31148-ER	RANDLER v. FOSTER WHEELER COMPANY et al	94-11259
2:11-cv-31153-ER	RICHARDSON et al v. A-C PRODUCT LIABILITY TRUST et al	98-10586

EXHIBIT B

Civil Action No.	Name	Remand Defendant
2:11CV30918	Raley, Marion J	Crescent Towing
		Gatke Corporation
		General Refractories
2:11CV30946	Rose, Cecil G	Amoco Shipping Co.
		American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30947	Rose, John	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV30949	Rossi, Thomas A	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV30969	Sadlowski, Theodore F	American Steamship Co.
		Interlake Steamship Company
		Cleveland Cliffs Iron Company
		Amersand Steamship Company
		Universal Marine Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30975	Sanabria, Jose A	Kinsman Marine Transit Company
		Moore McCormack Bulk Transport Inc.
		BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30984	Seddon, William G	Chamberlin
		Socony Mobil Oil Co.
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30990	Shaw, Johnnie	Farrell Lines Inc.
		Mathiasen Tanker Ind. Inc.
2:11CV30992	Shay, Edward T	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV30996	Sias, Ralph R	Humble Oil & Refining Company
		Humble Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31004	Siracusa, Vincent	Gatke Corporation
		General Refractories
2:11CV31006	Skinner, George W	Watter's Marine Inc.
2:11CV31008	Smith, Alson E	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31012	Smith, Lawrence J	American Export Lines Inc.
		Farrell Lines Inc.
		Ford Motor Company
		American Export Isbrandtsen
		Trinidad Corporation
		Amoco Shipping Co.
		Standard Oil Co. of New Jersey
		American Oil Co.
		American South African Lines
		Socony Vacuum Oil Company
		Barber Asphalt Corp.
		Pan American Petroleum and Transport Company
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31013	Smith, Lee A	Gatke Corporation
		General Refractories
2:11CV31014	Smith, Samuel	Amoco Shipping Co.
		Mathiasen Tanker Ind. Inc.
		Sinclair Oil Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31018	Aguayo, Miguel A	Moore McCormack Bulk Transport Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31023	Anderson, Chester L	Gatke Corporation
		General Refractories

2:11CV31024	Anderson, George H	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31028	Auffredou, John P	New York City
		Gatke Corporation
		General Refractories
2:11CV31034	Bastian, Guillermo O	United Fruit Company
2:11CV31041	Bishop, Silas B	Amoco Shipping Co.
		Moore McCormack Bulk Transport Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31044	Boschetti, Roger P	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31047	Carlson, Edwin	Gatke Corporation
		General Refractories
2:11CV31048	Bright, John C	Barber Asphalt Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31050	Brown, Fred J	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31054	Cannatella, Salvadore M	United Fruit Company
		Conco Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31056	Catacalos, Louis S	Trinidad Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31057	Cintron, Pablo R	Trinidad Corporation
		Amoco Shipping Co.
		American Oil Co.
		Mathiasen Tanker Ind. Inc.
		Moore McCormack Bulk Transport Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31058	Ciraolo, Michael	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31072	Shohatee, Ahmed A	American Steamship Co.
		Erie Sand Steamship Company
		Pringle Transit Company
		Reiss Steamship Company
		Kinsman Marine Transit Company
		Gartland Steamship Co.
		Amersand Steamship Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31079	Sterling, Russell S	The Pure Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31081	Swillinger, Ralph	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31083	Thomas, William A	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31086	Todd, Thomas O	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31088	Trahan, James	Trinidad Corporation
		Amoco Shipping Co.
		American Oil Co.
		Mathiasen Tanker Ind. Inc.
		BP Corporation N.A.
		Gatke Corporation
		General Refractories
2:11CV31089	Trammell, Harold G	Conoco Inc.
		Continental Steamship Co.
		Barber Asphalt Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31095	Veillon, Joseph W	Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31098	Walker, Prentis	Waterman Steamship Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31099	Wanner, Jacob	Watter's Marine Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31102	Wilkins, Clayton	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		United Fruit Company
		BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31120	Nevil Jr., Joseph	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31121	Nhipali Sr., John	Gatke Corporation
		General Refractories
2:11CV31122	Nirde, Theodore	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31133	Perry, William	Gatke Corporation
		General Refractories
2:11CV31134	Petersen, Aubrey	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31137	Pines, Jr., Ralph W	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31142	Prado, Jorge	United Fruit Company
		New York & Cuba Mail S/S Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31148	Randler, Thomas	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31153	Richardson, Samuel	Moore McCormack Bulk Transport Inc.
		Mormac Marine Transport, Inc.
		Gatke Corporation
		General Refractories