

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. :
VARIOUS DEFENDANTS : Certain "MARDOC" cases listed
in Exhibit "A," attached

FILED

JAN 22 2015

MICHAELE KUNZ, Clerk
By _____ Dep. Clerk

MARDOC SUGGESTION OF REMAND (No. 22)

AND NOW, this 22nd 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.

Exhibit A

PA-E Case Number	Caption	OH-N Case Number
2:11-cv-30353-ER	DIANGELO et al v. FOSTER WHEELER COMPANY et al	94-11352
2:11-cv-30589-ER	OZEN et al v. A-C PRODUCT LIABILITY TRUST et al	95-10281
2:11-cv-30823-ER	WARE et al v. FOSTER WHEELER COMPANY et al	94-12245
2:11-cv-30978-ER	SANTIAGO et al v. A-C PRODUCT LIABILITY TRUST et al	95-10150
2:11-cv-31147-ER	QUINTERO et al v. FOSTER WHEELER COMPANY et al	94-12065
2:11-cv-31165-ER	KLASNICH et al v. FOSTER WHEELER COMPANY et al	94-12397
2:11-cv-31167-ER	MILLER v. A-C PRODUCTS LIABILITY TRUST et al	98-14022
2:11-cv-31169-ER	WILLIAMS v. A-C PRODUCT LIABILITY TRUST et al	97-14168
2:11-cv-31176-ER	MILLER et al v. A-C PRODUCT LIABILITY TRUST et al	95-10175
2:11-cv-31178-ER	TORRES v. A-C PRODUCT LIABILITY TRUST et al	97-12080
2:11-cv-31180-ER	BARTEL v. AMERICAN HAWAIIAN S.S. LINES et al	00-11583
2:11-cv-31181-ER	DINSMORE et al v. A-C PRODUCT LIABILITY TRUST et al	97-11297
2:11-cv-31193-ER	MORRIS et al v. A-C PRODUCT LIABILITY TRUST et al	96-14219
2:11-cv-31200-ER	CATLIN v. A-C PRODUCT LIABILITY TRUST et al	96-13905
2:11-cv-31219-ER	ARD v. A-C PRODUCT LIABILITY TRUST et al	96-13396
2:11-cv-31228-ER	ALPAUGH et al v. A-C PRODUCT LIABILITY TRUST et al	94-13848
2:11-cv-31236-ER	HAGEN et al v. A-C PRODUCT LIABILITY TRUST et al	99-10836
2:11-cv-31252-ER	HACKER et al v. A. P. GREEN INDUSTRIES, INC. et al	97-12024
2:11-cv-31257-ER	CERRILLO v. A-C PRODUCT LIABILITY TRUST et al	00-11712
2:11-cv-31262-ER	BOUSQUET v. A-C PRODUCT LIABILITY TRUST et al	99-12813
2:11-cv-31264-ER	WILLIAMSON v. A-C PRODUCT LIABILITY TRUST et al	99-10620
2:11-cv-31265-ER	DAVIS JR. v. A-C PRODUCT LIABILITY TRUST et al	97-10734
2:11-cv-31266-ER	NORMAN v. A-C PRODUCT LIABILITY TRUST et al	96-13036
2:11-cv-31268-ER	JOHNSON v. A-C PRODUCT LIABILITY TRUST et al	94-13844
2:11-cv-31273-ER	PAYMENT et al v. A-C PRODUCT LIABILITY TRUST et al	00-10995
2:11-cv-31274-ER	ODOM v. A-C PRODUCT LIABILITY TRUST et al	97-14433
2:11-cv-31276-ER	ANDRESEN v. FOSTER WHEELER COMPANY et al	94-11168
2:11-cv-31278-ER	LAND v. A-C PRODUCT LIABILITY TRUST et al	97-13480
2:11-cv-31279-ER	BANKS v. FOSTER WHEELER COMPANY et al	94-12495
2:11-cv-31283-ER	LOFTON et al v. A-C PRODUCT LIABILITY TRUST et al	99-11216
2:11-cv-31284-ER	BURKE et al v. A-C PRODUCT LIABILITY TRUST et al	97-11583
2:11-cv-31286-ER	FRUGE et al v. A-C PRODUCT LIABILITY TRUST et al	96-14918
2:11-cv-31287-ER	CHANT et al v. A-C PRODUCT LIABILITY TRUST et al	96-14085
2:11-cv-31288-ER	AVAKIAN et al v. A-C PRODUCT LIABILITY TRUST et al	96-12943
2:11-cv-31289-ER	WILCOX et al v. A-C PRODUCT LIABILITY TRUST et al	96-14798
2:11-cv-31293-ER	CONLEY et al v. A-C PRODUCT LIABILITY TRUST et al	97-10784
2:11-cv-31294-ER	ROSENTHAL v. A-C PRODUCT LIABILITY TRUST et al	97-14167
2:11-cv-31298-ER	PAEDAE et al v. A-C PRODUCT LIABILITY TRUST et al	97-12716
2:11-cv-31308-ER	MCDADE v. A-C PRODUCT LIABILITY TRUST et al	98-12067
2:11-cv-31343-ER	RYGG v. A-C PRODUCT LIABILITY TRUST et al	98-12430
2:11-cv-31346-ER	RICHARD et al v. A-C PRODUCT LIABILITY TRUST et al	00-11876
2:11-cv-31350-ER	ELGARMI et al v. A-C PRODUCT LIABILITY TRUST et al	99-12215
2:11-cv-31351-ER	ELIASON et al v. A-C PRODUCT LIABILITY TRUST et al	99-10693

2:11-cv-31363-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	99-10041
2:11-cv-31365-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	99-10128
2:11-cv-31375-ER	HAGMAN v. A-C PRODUCT LIABILITY TRUST et al	00-10924
2:11-cv-31397-ER	FARRALES v. A-C PRODUCT LIABILITY TRUST et al	00-11338
2:11-cv-31400-ER	NELSON v. A-C PRODUCT LIABILITY TRUST et al	97-10372
2:11-cv-31405-ER	ATOIGUE v. FOSTER WHEELER COMPANY et al	94-11430
2:11-cv-31426-ER	DAVE v. A-C PRODUCT LIABILITY TRUST et al	00-11920

EXHIBIT B

Civil Action No.	Name	Remand Defendant
2:11CV30353	DiAngelo, Victor A	United Fruit Company
		American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30589	Ozen, Lee Roy	BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30823	Ware, Jack I	Farrell Lines Inc.
		Trinidad Corporation
		United Fruit Company
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30978	Santiago, Anthony	Barber Asphalt Corp.
		Gatke Corporation
		General Refractories
2:11CV31147	Quintero, Jose R	United Fruit Company
		American Oil Co.
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31165	Klasnich, Joseph A	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31167	Price, Earl J	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31169	Williams, Wilfredo J	Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31176	Miller, James C	Amoco Shipping Co.
		American Oil Co.
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31178	Torres Jr., Philip	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31180	Elcoate, Phillip R	Cosmopolitan Shipping Co., Inc.
		Gatke Corporation
		General Refractories
2:11CV31181	Dinsmore, Clarke J	Cities Service Oil Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31193	Morris Jr., Benson	Mobil Oil Corporation
		Socony Vacuum Oil Company
		Socony Mobil Oil Co.
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31200	Catlin, Leon P	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31219	Ard, Alvin	Admanthon Steamship Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31228	Alpaugh, Charles I	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31236	Hagan, Charles R	Kinsman Marine Transit Company
		Kinsman Transit Co. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31252	Hacker, Michael W	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31257	Cerrillo, Generoso A	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31262	Bousquet, Frederick M	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31264	Williamson, Leroy	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31265	Davis Jr., Jim	Mathiasen Tanker Ind. Inc.
		UNOCAL Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31266	Norman, Mike	American Steamship Co.
		Coastwise Trading Company
		Cleveland Tankers Inc.
		Erie Sand Steamship Company
		Pringle Transit Company
		Reiss Steamship Company
		Boland & Cornelius
		Gartland Steamship Co.
		Gatke Corporation
		John Crane Inc.
2:11CV31268	Johnson, Patrick C	Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31273	Payment, Merlin H	Gatke Corporation
		General Refractories
2:11CV31274	Odom, Orrie E	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31276	Andresen, Tor K	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31278	Land, Norman D	Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31279	Banks Sr., Earl	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31283	Von Lofton, Lionel	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31284	Burke, George A	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31286	Frugé, Jesse	United Fruit Company
		Barber Asphalt Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31287	Chant, Edward J	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31288	Avakian, Anthony S	Standard Oil Co. of New Jersey
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31289	Wilcox, John A	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31293	Conley, Ben L	Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31294	Rosenthal, Morris	Cosmopolitan Shipping Co., Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31298	Paedae, William D	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31308	McDade, Joseph R	Sinclair Refining Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31343	Rygg, Thomas E	Interlake Steamship Company
		Kinsman Marine Transit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31346	Richard, Ronald J	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31350	Elgarmi, Nasser A	American Steamship Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31351	Eliason, Robert	Gatke Corporation
		General Refractories
2:11CV31363	Thomas, John	United Fruit Company
		Cosmopolitan Shipping Co., Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31365	Edwards, Jr., Price	Trinidad Corporation
		Amoco Shipping Co.
		Mathiasen Tanker Ind. Inc.
		Cosmopolitan Shipping Co., Inc.
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31375	Hagman, William E	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31397	Farrales, Noli E	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31400	Nelson, Ted S	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31405	Atoigue, Joaquin P	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31426	Dave, Jun L	Gatke Corporation
		John Crane Inc.
		General Refractories