

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 22 2015**

VARIOUS DEFENDANTS **MICHAEL E. KUNZ, Clerk** Certain "MARDOC" cases listed  
By **Dep. Clerk** in Exhibit "A," attached

MARDOC SUGGESTION OF REMAND (No. 23)

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.<sup>1</sup>

Accordingly, the Court **SUGGESTS** that the cases listed in Exhibit "A," attached, be **REMANDED** to the United States

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<sup>1</sup> 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.

## 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

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### **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**

<b>PA-E Case Number</b>	<b>Caption</b>	<b>OH-N Case Number</b>
2:11-cv-31463-ER	COPE et al v. A-C PRODUCT LIABILITY TRUST et al	97-15143
2:11-cv-31471-ER	MONTES et al v. FOSTER WHEELER COMPANY et al	93-13446
2:11-cv-31472-ER	CUNNINGHAM et al v. A-C PRODUCT LIABILITY TRUST et al	97-14574
2:11-cv-31477-ER	DENNIS v. A-C PRODUCT LIABILITY TRUST et al	94-13026
2:11-cv-31478-ER	DIETLIN v. A-C PRODUCT LIABILITY TRUST et al	99-10914
2:11-cv-31480-ER	DOPWELL et al v. A-C PRODUCT LIABILITY TRUST et al	97-14609
2:11-cv-31482-ER	DUNBAR et al v. A-C PRODUCT LIABILITY TRUST et al	98-11837
2:11-cv-31484-ER	EBANKS et al v. A-C PRODUCT LIABILITY TRUST et al	97-13065
2:11-cv-31490-ER	FALLAN et al v. FOSTER WHEELER COMPANY et al	93-13645
2:11-cv-31492-ER	FERNANDES v. A-C PRODUCT LIABILITY TRUST et al	97-13360
2:11-cv-31493-ER	FIELD et al v. A-C PRODUCT LIABILITY TRUST et al	97-10812
2:11-cv-31497-ER	FREEMAN et al v. A-C PRODUCT LIABILITY TRUST et al	97-13350
2:11-cv-31504-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-13747
2:11-cv-31507-ER	GIBSON et al v. A-C PRODUCT LIABILITY TRUST et al	96-13918
2:11-cv-31509-ER	GILLIAM v. A-C PRODUCT LIABILITY TRUST et al	94-13215
2:11-cv-31514-ER	GONZALEZ v. A-C PRODUCT LIABILITY TRUST	98-14294
2:11-cv-31515-ER	GONZALEZ et al v. FOSTER WHEELER COMPANY et al	93-13457
2:11-cv-31521-ER	GRIMMITT et al v. A-C PRODUCT LIABILITY TRUST et al	96-14763
2:11-cv-31522-ER	GUIDRY v. A-C PRODUCT LIABILITY TRUST et al	96-13651
2:11-cv-31523-ER	HAM et al v. FOSTER WHEELER COMPANY et al	94-10449
2:11-cv-31530-ER	HASS et al v. A-C PRODUCT LIABILITY TRUST et al	97-11107
2:11-cv-31532-ER	HILL et al v. A-C PRODUCT LIABILITY TRUST et al	97-15092
2:11-cv-31533-ER	HOFFMAN et al v. FOSTER WHEELER COMPANY et al	94-11840
2:11-cv-31534-ER	HOPKINS et al v. A-C PRODUCT LIABILITY TRUST et al	00-10183
2:11-cv-31535-ER	HUBBARD v. A-C PRODUCT LIABILITY TRUST et al	97-11370
2:11-cv-31536-ER	HUDSON et al v. A-C PRODUCT LIABILITY TRUST et al	96-13585
2:11-cv-31539-ER	HYER et al v. A-C PRODUCT LIABILITY TRUST et al	98-10266
2:11-cv-31540-ER	INGLES et al v. A-C PRODUCT LIABILITY TRUST et al	94-13709
2:11-cv-31542-ER	JARA et al v. A-C PRODUCT LIABILITY TRUST et al	94-13276
2:11-cv-31544-ER	JARDINE v. A-C PRODUCT LIABILITY TRUST et al	97-10188
2:11-cv-31550-ER	BARTEL, ET. AL. v. AMOCO SHIPPING CO., ET. AL.	97-12781
2:11-cv-31553-ER	JULES et al v. A-C PRODUCT LIABILITY TRUST et al	96-14001
2:11-cv-31556-ER	KELLY v. A-C PRODUCT LIABILITY TRUST et al	97-11881
2:11-cv-31562-ER	LA MOY et al v. A-C PRODUCT LIABILITY TRUST et al	97-11336
2:11-cv-31563-ER	LAFARGUE et al v. A-C PRODUCT LIABILITY TRUST et al	97-10552
2:11-cv-31565-ER	LAROCQUE et al v. A-C PRODUCT LIABILITY TRUST et al	99-12087
2:11-cv-31567-ER	LETT et al v. A-C PRODUCT LIABILITY TRUST et al	97-11249
2:11-cv-31569-ER	LEYDON et al v. A-C PRODUCT LIABILITY TRUST et al	97-13635
2:11-cv-31573-ER	LITCHFIELD v. A-C PRODUCT LIABILITY TRUST	95-13389
2:11-cv-31581-ER	MANFREDI et al v. A-C PRODUCT LIABILITY TRUST et al	98-11807
2:11-cv-31582-ER	MANN et al v. A-C PRODUCT LIABILITY TRUST et al	98-14085
2:11-cv-31586-ER	MCCASKILL v. FOSTER WHEELER COMPANY et al	93-13730
2:11-cv-31592-ER	MCLAUGHLIN et al v. FOSTER WHEELER COMPANY et al	94-10789

2:11-cv-31598-ER	MIRYNOWSKI v. A-C PRODUCT LIABILITY TRUST et al	96-14552
2:11-cv-31600-ER	MOORE et al v. A-C PRODUCT LIABILITY TRUST et al	98-11304
2:11-cv-31602-ER	KESSLER et al v. A-C PRODUCT LIABILITY TRUST et al	98-12660
2:11-cv-31605-ER	FAVRO v. A-C PRODUCT LIABILITY TRUST et al	95-12452
2:11-cv-31608-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-10166
2:11-cv-31612-ER	GASTINELL v. A-C PRODUCT LIABILITY TRUST et al	94-13499
2:11-cv-31615-ER	KELLER et al v. FOSTER WHEELER COMPANY et al	94-11838

**EXHIBIT B**

Civil Action No.	Name	Remand Defendant
2:11CV31463	Cope, William J	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31471	Cruz Montes, Cristobal	Barber Asphalt Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31472	Cunningham, Matthew J	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31477	Dennis, Marcus L	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31478	Dietlin, Henry J	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31480	Dopwell, George E	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31482	Dunbar, Edwin L	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31484	Ebanks, Laurie E	Amoco Shipping Co.
		Mathiasen Tanker Ind. Inc.
		BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31490	Fallan, John E	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31492	Fernandes Jr., Manuel	Sun Oil Corp.
		Esso Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31493	Field, William F	Mobil Oil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31497	Freeman, Harry E	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		Sun Oil Corp.
		Oswego Steamship Co.
		Sun Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31504	Games Jr., Charlie	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31507	Gibson, Gordon A	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31509	Gilliam, Herman M	American Export Lines Inc.
		Farrell Lines Inc.
		Trinidad Corporation
		Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31514	Gonzalez, Ernesto	United Fruit Company
		New York & Cuba Mail S/S Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31515	Gonzalez, Pablo E	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31521	Grimmitt, James C	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31522	Guidry, Raymond W	Amoco Shipping Co.
		American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31523	Ham, Roy	Amoco Shipping Co.
2:11CV31530	Hass, Richard C	Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31532	Hill, Dale H	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31533	Hoffman, George C	Pringle Transit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31534	Hopkins, Harold L	Reiss Steamship Company
		Kinsman Marine Transit Company
		Kinsman Transit Co. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31535	Hubbard, August J.M.	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31536	Hudson, John C	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31539	Hyer, Charles R	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31540	Ingles, Julio D	United Fruit Company
		New York & Cuba Mail S/S Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31542	Jara, Cesar	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31544	Jardine, Thomas A	Sinclair Refining Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31550	Jones, W. C	Amoco Shipping Co.
		Gatke Corporation
		General Refractories
2:11CV31553	Jules, Alphonse	Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31556	Kelly, Charles S	United Fruit Company
		Cosmopolitan Shipping Co., Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31562	La Moy, Alden J	United Fruit Company
		American Oil Co.
		Boland & Cornelius
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31563	LaFargue, Daniel L	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31565	Larocque, Joseph G	Barber Asphalt Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31567	Lett, George	Farrell Lines Inc.
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31569	Leydon, Michael	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31573	Litchfield, Paul L	American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31581	Manfredi, John T	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31582	Mann, Jr., Dewey E	Gatke Corporation
		General Refractories
2:11CV31586	McCaskill Sr., Charles	Amoco Shipping Co.
		American Oil Co.

2:11CV31592	McLaughlin, Thomas J	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31598	Mirynowski, John	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31600	Moore, Harry B	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31602	Kessler, Regis S	Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31605	Favro, Mark D	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31608	Cates, Amos L	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31612	Gastinell, Aaron	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31615	Keller, Joseph	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories