

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**  
**FEB 26 2015**  
MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

MARDOC SUGGESTION OF REMAND (No. 25)

AND NOW, this 26th day of February, 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.

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

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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>
2:09-cv-91154-ER	BARTEL (PENERIO) et al v. A-C PRODUCT LIABILITY TRUST et al	06-10001
2:11-cv-31005-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-10120
2:11-cv-31055-ER	CASTRO v. FOSTER WHEELER COMPANY	94-11990
2:11-cv-31093-ER	VALLES v. A-C PRODUCT LIABILITY TRUST et al	95-10467
2:11-cv-31126-ER	PAPPAS v. FOSTER WHEELER COMPANY et al	93-13575
2:11-cv-31127-ER	PARIS et al v. FOSTER WHEELER COMPANY et al	94-10223
2:11-cv-31141-ER	POWELL v. A-C PRODUCT LIABILITY TRUST et al	95-10563
2:11-cv-31157-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	99-10078
2:11-cv-31211-ER	SHAW et al v. A-C PRODUCT LIABILITY TRUST et al	97-14250
2:11-cv-31218-ER	CRUZ v. A-C PRODUCT LIABILITY TRUST et al	95-10733
2:11-cv-31227-ER	POTTS et al v. A-C PRODUCT LIABILITY TRUST et al	94-13320
2:11-cv-31247-ER	LOPEZ GARCIA v. A-C PRODUCT LIABILITY TRUST et al	97-13089
2:11-cv-31253-ER	OHMAN et al v. A-C PRODUCT LIABILITY et al	97-10750
2:11-cv-31345-ER	FLETCHER et al v. A-C PRODUCT LIABILITY TRUST et al	00-12113
2:11-cv-31352-ER	CARMICHAEL et al v. A-C PRODUCT LIABILITY TRUST et al	99-20009
2:11-cv-31354-ER	MONTEIRO et al v. A-C PRODUCT LIABILITY TRUST et al	98-12882
2:11-cv-31355-ER	LONDON et al v. A-C PRODUCT LIABILITY TRUST et al	96-12986
2:11-cv-31469-ER	CROPPER v. A-C PRODUCT LIABILITY TRUST et al	98-14720
2:11-cv-31488-ER	ELGHANI et al v. A-C PRODUCT LIABILITY TRUST et al	98-12707
2:11-cv-31495-ER	FLOWERS v. A-C PRODUCT LIABILITY TRUST et al	01-10344
2:11-cv-31503-ER	GALLAGHER v. A-C PRODUCT LIABILITY TRUST et al	96-14739
2:11-cv-31512-ER	GONZALES v. A-C PRODUCT LIABILITY TRUST et al	97-15225
2:11-cv-31549-ER	JOHNSON et al v. A-C PRODUCT LIABILITY TRUST et al	97-13557
2:11-cv-31554-ER	KAPOOSIAN et al v. A-C PRODUCT LIABILITY TRUST et al	96-14687
2:11-cv-31555-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	00-11361
2:11-cv-31561-ER	KOEP et al v. A-C PRODUCT LIABILITY TRUST et al	96-10805
2:11-cv-31577-ER	LONGANECKER et al v. FOSTER WHEELER COMPANY et al	93-13616
2:11-cv-31585-ER	MCCALL v. FOSTER WHEELER COMPANY et al	94-12060
2:11-cv-31589-ER	MCDONALD et al v. A-C PRODUCT LIABILITY TRUST et al	96-14675
2:11-cv-31601-ER	MORRISON v. A-C PRODUCT LIABILITY TRUST et al	97-10527
2:11-cv-31714-ER	ENG v. FOSTER WHEELER COMPANY et al	94-10436
2:11-cv-31788-ER	WATSON et al v. FOSTER WHEELER COMPANY et al	94-10031
2:11-cv-31809-ER	FIELDS v. A-C PRODUCT LIABILITY TRUST et al	96-12489
2:11-cv-31821-ER	GUERRERO et al v. A-C PRODUCT LIABILITY TRUST et al	96-15587
2:11-cv-31823-ER	WILLIAMS et al v. A-C PRODUCT LIABILITY TRUST et al	95-13820
2:11-cv-31835-ER	LEWIS et al v. A-C PRODUCT LIABILITY TRUST et al	95-13387
2:11-cv-31848-ER	DOUGLAS v. A-C PRODUCT LIABILITY TRUST et al	96-12857
2:11-cv-31851-ER	MILLS et al v. A-C PRODUCT LIABILITY TRUST et al	95-10952
2:11-cv-31853-ER	PEREZ et al v. A-C PRODUCT LIABILITY TRUST et al	95-12293
2:11-cv-31855-ER	HIGHSMITH et al v. A-C PRODUCT LIABILITY TRUST et al	98-10363
2:11-cv-31858-ER	MARKS et al v. FIBREBOARD CORPORATION et al	95-15112
2:11-cv-31859-ER	KRADOLFER et al v. FIBREBOARD CORPORATION et al	97-10027
2:11-cv-31861-ER	MARRERO et al v. FIBREBOARD CORPORATION et al	96-15622

2:11-cv-31863-ER	POWELL et al v. FIBREBOARD CORPORATION et al	98-11377
2:11-cv-31868-ER	GREASHAM et al v. A-C PRODUCT LIABILITY TRUST et al	95-12328
2:11-cv-31876-ER	GREER et al v. A-C PRODUCT LIABILITY TRUST et al	95-11444
2:11-cv-31883-ER	RIDGE et al v. A-C PRODUCT LIABILITY TRUST et al	95-14842
2:11-cv-31894-ER	RIVERA et al v. A-C PRODUCT LIABILITY TRUST et al	95-11868
2:11-cv-31895-ER	QUINONES et al v. A-C PRODUCT LIABILITY TRUST et al	95-11703
2:11-cv-31896-ER	BRUNO et al v. A-C PRODUCT LIABILITY TRUST et al	95-11173

**EXHIBIT B**

CIV	NAME	Remand Defendant
2:09CV91154	Panerio, Eugenio	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31005	Sivley, Julian R	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31055	Castro, Perfecto	Ford Motor Company
		Moore McCormack Bulk Transport Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31093	Valles, John E	Esso Standard Oil Co.
		Humble Oil & Refining Company
		Exxon Company USA
		Exxon Shipping Co.
		Humble Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31126	Pappas, Peter J	American South African Lines
		Barber Asphalt Corp.
		Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31127	Paris, Felix	United Fruit Company
		New York & Cuba Mail S/S Co.
		IMO Industries, Inc.
		Chesterton Co., A. W.
2:11CV31141	Powell, Joe C	Barber Asphalt Corp.
		Gatke Corporation
		General Refractories
		Chesterton Co., A. W.

2:11CV31157	Romero, Marco A	American Export Lines Inc.
		American Export Isbrandtsen
		United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31211	Shaw, Charles E	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31218	Cruz, Marcelino R	Farrell Lines Inc.
		American Export Isbrandtsen
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31227	Potts, Raymond T	Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31247	Lopez Garcia, Monico A	United Fruit Company
		United Brands Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31253	Ohman, George W	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31345	Fletcher, William A	Esso Standard Oil Co.
		Humble Oil & Refining Company
		Esso Shipping Co.
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV31352	Carmichael, Howard B	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31354	Monteiro, Michael	Esso Standard Oil Co.
		Exxon Mobil Corporation
		Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31355	London, Willie L	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31469	Cropper, Jr., Robert M	Sun Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31488	Elghani, John	Socony Vacuum Oil Company
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31495	Flowers, Edward J	Hanna Mining Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31503	Gallagher, John J	Standard Oil Co. of New Jersey
		Esso Standard Oil Co.
		Humble Oil & Refining Company
		Esso Shipping Co.
		Humble Oil Co.
		Humble Oil Marine Div.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV31589	McDonald, Robert C	Mobil Oil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31601	Morrison, Jack C	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31714	Eng Sr., Curtis R	Cleveland Cliffs S.S. Company
		Cleveland Cliffs Iron Company
		Chesterton Co., A. W.
2:11CV31788	Watson, William E	Chesterton Co., A. W.
2:11CV31809	Fields, Otis	American Export Isbrandtsen
		Trinidad Corporation
		Amoco Shipping Co.
		American Oil Co.
		Cosmopolitan Shipping Co., Inc.
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31821	Guerrero, Patricio	American Export Lines Inc.
		Farrell Lines Inc.
		Mobil Oil Corporation
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31823	Williams, Levi J	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31835	Lewis, Raymond B	BP Corporation N.A.
		Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31848	Douglas, Clarence	Moore McCormack Bulk Transport Inc.
		Central Gulf Lines, Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV31851	Mills, Vernon A	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31853	Perez, Rafael F	American Oil Co.
		BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31855	Highsmith, Donald L	Amoco Shipping Co.
		American Oil Co.
		Barber Asphalt Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31858	Marks, Walter A	J. J. Tennant Co. Oregon
		Socony Mobil Oil Co.
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31859	Kradolfer, John C	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31861	Marrero, Thomas	Farrell Lines Inc.
		American Export Isbrandtsen
		Trinidad Corporation
		United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31863	Powell, Lucher	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV31868	Greasham, Willie	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		Trinidad Corporation
		United Fruit Company
		Mathiasen Tanker Ind. Inc.
		American South African Lines
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31876	Greer, George	Trinidad Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31883	Ridge, George A	Mobil Oil Corporation
		Socony Mobil Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31894	Rivera, Tom N	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31895	Quinones, Victor B	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31896	Bruno, Jr., Harold E	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.