

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

MAR - 2 2015

MICHAEL E. KUNZ, Clerk
By _____ : Dep. Clerk

MARDOC SUGGESTION OF REMAND (No. 27)

AND NOW, this 27th 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.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-32054-ER	RABA v. A-C PRODUCT LIABILITY TRUST et al	96-15155
2:11-cv-32055-ER	HERNANDEZ et al v. A-C PRODUCT LIABILITY TRUST et al	96-15115
2:11-cv-32057-ER	FIGUEROA-NAVEGO v. A-C PRODUCT LIABILITY TRUST et al	96-15027
2:11-cv-32068-ER	GUILLORY et al v. PEEBLES et al	95-13885
2:11-cv-32069-ER	WAIDE et al v. A-C PRODUCT LIABILITY TRUST et al	96-12372
2:11-cv-32072-ER	MOKU v. A-C PRODUCT LIABILITY TRUST et al	95-14922
2:11-cv-32077-ER	GALE et al v. A-C PRODUCT LIABILITY TRUST et al	96-15178
2:11-cv-32083-ER	RYAN v. A-C PRODUCT LIABILITY TRUST et al	97-12333
2:11-cv-32084-ER	PREVOST et al v. A-C PRODUCT LIABILITY TRUST et al	95-12120
2:11-cv-32085-ER	LANE et al v. A-C PRODUCT LIABILITY TRUST et al	96-15641
2:11-cv-32098-ER	CORNELIUS et al v. A-C PRODUCT LIABILITY TRUST et al	95-12867
2:11-cv-32111-ER	JONES et al v. A-C PRODUCT LIABILITY TRUST et al	96-14961
2:11-cv-32114-ER	YOUNG v. A-C PRODUCT LIABILITY TRUST et al	95-13172
2:11-cv-32115-ER	STEWART et al v. A-C PRODUCT LIABILITY TRUST et al	96-13202
2:11-cv-32126-ER	DUNN et al v. A-C PRODUCT LIABILITY TRUST et al	95-14780
2:11-cv-32132-ER	ALFANO et al v. A-C PRODUCT LIABILITY TRUST et al	95-13610
2:11-cv-32133-ER	HAWKINS et al v. A-C PRODUCT LIABILITY TRUST et al	96-11496
2:11-cv-32134-ER	CRESPO v. A-C PRODUCT LIABILITY TRUST et al	95-11343
2:11-cv-32136-ER	BAGBY et al v. A-C PRODUCT LIABILITY TRUST et al	95-11850
2:11-cv-32143-ER	SHAW v. A-C PRODUCT LIABILITY TRUST et al	95-11549
2:11-cv-32147-ER	HUNT et al v. A-C PRODUCT LIABILITY TRUST et al	95-13676
2:11-cv-32149-ER	COTTONGIM v. A-C PRODUCT LIABILITY TRUST et al	95-11837
2:11-cv-32155-ER	HYDE v. A-C PRODUCT LIABILITY TRUST et al	95-12321
2:11-cv-32156-ER	GIBSON et al v. A-C PRODUCT LIABILITY TRUST et al	96-10042
2:11-cv-32158-ER	RABB et al v. A-C PRODUCT LIABILITY TRUST et al	96-11110
2:11-cv-32161-ER	O'SULLIVAN et al v. A-C PRODUCT LIABILITY TRUST et al	95-14328
2:11-cv-32165-ER	RALPH et al v. A-C PRODUCT LIABILITY TRUST et al	96-11614
2:11-cv-32172-ER	KNATT et al v. A-C PRODUCT LIABILITY TRUST et al	96-11477
2:11-cv-32175-ER	HUDSON et al v. A-C PRODUCT LIABILITY TRUST et al	96-10475
2:11-cv-32180-ER	ARCHER et al v. A-C PRODUCT LIABILITY TRUST et al	95-12528
2:11-cv-32182-ER	SCOTT v. A-C PRODUCT LIABILITY TRUST et al	96-11713
2:11-cv-32187-ER	MYATT v. A-C PRODUCT LIABILITY TRUST et al	96-15469
2:11-cv-32196-ER	EDWARDS et al v. A-C PRODUCT LIABILITY TRUST et al	95-11762
2:11-cv-32201-ER	RAMIREZ v. A-C PRODUCT LIABILITY TRUST et al	96-12336
2:11-cv-32203-ER	TIGERT v. A-C PRODUCT LIABILITY TRUST et al	96-10025
2:11-cv-32204-ER	EBANKS v. A-C PRODUCT LIABILITY TRUST et al	95-14292
2:11-cv-32205-ER	WHITEHEAD et al v. A-C PRODUCT LIABILITY TRUST et al	95-12540
2:11-cv-32219-ER	LE PREVOST v. A-C PRODUCT LIABILITY TRUST et al	96-13897
2:11-cv-32223-ER	CROFT v. A-C PRODUCT LIABILITY TRUST et al	97-11684
2:11-cv-32224-ER	REYE v. A-C PRODUCT LIABILITY TRUST et al	96-12189
2:11-cv-32230-ER	BARTEL v. ALLIED ASHLAND et al	96-11808
2:11-cv-32236-ER	HUNIUI et al v. A-C PRODUCT LIABILITY TRUST et al	95-13062
2:11-cv-32239-ER	SPINA et al v. A-C PRODUCT LIABILITY TRUST et al	95-12498

2:11-cv-32240-ER	SALVAGE et al v. A-C PRODUCT LIABILITY TRUST et al	95-12352
2:11-cv-32261-ER	LEONARD et al v. A-C PRODUCT LIABILITY TRUST et al	97-13338
2:11-cv-32267-ER	CRUMPLER et al v. A-C PRODUCT LIABILITY TRUST et al	96-11129
2:11-cv-32273-ER	SANCHEZ v. A-C PRODUCT LIABILITY TRUST et al	96-10104
2:11-cv-32286-ER	PARK et al v. A-C PRODUCT LIABILITY TRUST et al	95-11516
2:11-cv-32292-ER	DA COSTA et al v. A-C PRODUCT LIABILITY TRUST et al	95-12602
2:11-cv-32310-ER	PEELER et al v. A-C PRODUCT LIABILITY TRUST et al	95-13226

EXHIBIT B

CIV	NAME	Remand Defendant
2:11CV32054	Raba, John M	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32055	Hernandez, Salvador	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32057	Figueroa-Navego, Manuel	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32068	Guillory, John	Barber Asphalt Corp.
		Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV32069	Waide, Fredrick C	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32072	Moku, William	J. J. Tennant Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV32077	Gale, Oxford H	Chesterton Co., A. W.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV32083	Ryan, Terrence J	Chesterton Co., A. W.
		Litton Great Lakes Corp.
		Gatke Corporation
		John Crane Inc.
2:11CV32084	Prevost Jr., Emile	General Refractories
		Chesterton Co., A. W.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV32085	Lane, Leonard E	Farrell Lines Inc.
		American Export Isbrandtsen
		Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32098	Cornelius, William L	United Fruit Company
		Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32111	Jones, Steven T	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32114	Young, Roy O	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32115	Stewart, Charles	American Export Lines Inc.
		Cleveland Tankers Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32126	Dunn, Marion R	United Fruit Company
		Cosmopolitan Shipping Co., Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32132	Alfano, Biaggio	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV32133	Hawkins, Clarence W	Chevron Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32134	Crespo, Jose O	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV32136	Bagby, Garner L	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV32143	Shaw, Floyd M	Amoco Oil Co.
		Amoco Shipping Co.
		Oglebay Norton Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32147	Hunt, William F	United Fruit Company
		Boland & Cornelius
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32149	Cottongim, Ernest L	Standard Oil Co. of New Jersey
		Esso Shipping Co.
		Pan American Petroleum and Transport Company
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32155	Hyde, Eddie J	Cleveland Cliffs Iron Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32156	Gibson, Woodie L	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV32158	Rabb, Claude E	United Fruit Company
		Cosmopolitan Shipping Co., Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32161	O'Sullivan, James F	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32165	Ralph, Owen T	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV32172	Knatt, Eugene	American Oil Co.
		Barber Asphalt Corp.
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32175	Hudson, Robert L	United Fruit Company
		Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32180	Archer, William E	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32182	Scott, Arlander	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV32187	Myatt, Clarence	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.

2:11CV32196	Edwards Jr., Willis J	American Export Isbrandtsen
		Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32201	Ramirez, Luis	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32203	Tigert, Richard L	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32204	Ebanks, Wentworth S	Trinidad Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32205	Whitehead, Larry W	Sinclair Refining Company
		BP Corporation N.A.
		Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV32219	Le Prevost, Brian P	West Coast Shipping Company
		Watter's Marine Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32223	Croft, Robert G	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV32224	Reye, Daniel	Ford Motor Company
		Interlake Steamship Company
		American Export Isbrandtsen
		Amoco Shipping Co.
		American Oil Co.
		Kinsman Marine Transit Company
		Gartland Steamship Co.
		Cleveland Cliffs Iron Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32230	Barros, John J	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32236	Huniu, Leo	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32239	Spina, Jose A	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32240	Salvage, Thomas P	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32261	Leonard, Donald J	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV32267	Crumpler, Hubert T	United Fruit Company
		Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32273	Sanchez, Angel D	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.

2:11CV32286	Yong Kil Park, Eddie	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV32292	DaCosta, Luiz J	Trinidad Corporation
		American Oil Co.
		Standard Oil Co. of Indiana
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32310	Peeler, Anderson	Standard Oil Co. of New Jersey
		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.