

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

MARDOC SUGGESTION OF REMAND (No. 29)

AND NOW, this 30th day of April, 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

---

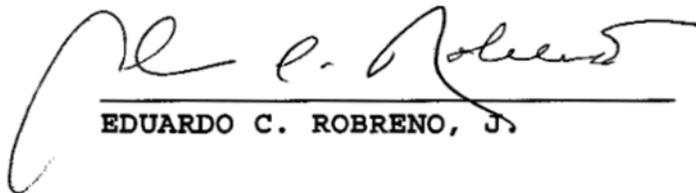
<sup>1</sup> On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory 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

---

### **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>
2:10-cv-30056-ER	ESQUILIN v. A-C PRODUCT LIABILITY TRUST et al	01-10647
2:10-cv-30917-ER	MANTHEY v. A-C PRODUCT LIABILITY TRUST et al	02-10239
2:11-cv-30100-ER	ANGLIN et al v. A-C PRODUCT LIABILITY TRUST et al	97-14726
2:11-cv-30219-ER	CASEY v. A-C PRODUCT LIABILITY TRUST et al	97-11807
2:11-cv-30269-ER	FOSTER et al v. FOSTER WHEELER COMPANY et al	94-11369
2:11-cv-30274-ER	FREDERICK v. FOSTER WHEELER COMPANY et al	93-13987
2:11-cv-30275-ER	FRIGOLETTI v. FOSTER WHEELER COMPANY et al	93-13847
2:11-cv-30324-ER	MILLER v. FOSTER WHEELER COMPANY et al	93-13511
2:11-cv-30367-ER	GEORGOUSSIS v. A-C PRODUCT LIABILITY TRUST et al	94-13387
2:11-cv-30407-ER	HAMSTRA et al v. A-C PRODUCT LIABILITY TRUST et al	97-10282
2:11-cv-30430-ER	HERBERT et al v. A-C PRODUCT LIABILITY TRUST et al	98-11441
2:11-cv-30471-ER	EVERHART v. A-C PRODUCT LIABILITY TRUST et al	99-13026
2:11-cv-30477-ER	MARTIN et al v. A-C PRODUCT LIABILITY TRUST	96-13582
2:11-cv-30515-ER	O'BRIEN v. A-C PRODUCT LIABILITY TRUST et al	96-12083
2:11-cv-30567-ER	OGNENOFF et al v. A-C PRODUCT LIABILITY TRUST et al	99-10746
2:11-cv-30647-ER	JENSEN-HAMMER v. A-C PRODUCT LIABILITY TRUST et al	00-10546
2:11-cv-30653-ER	JOHNSON et al v. FOSTER WHEELER COMPANY et al	94-11890
2:11-cv-30677-ER	KINDT v. A-C PRODUCT LIABILITY TRUST et al	00-10487
2:11-cv-30725-ER	LUYANDO v. A-C PRODUCT LIABILITY TRUST et al	96-14520
2:11-cv-30754-ER	STIGLER v. A-C PRODUCT LIABILITY TRUST et al	98-12924
2:11-cv-30828-ER	WATSON et al v. A-C PRODUCT LIABILITY TRUST et al	98-14956
2:11-cv-30853-ER	WILSON v. A-C PRODUCT LIABILITY TRUST et al	98-10706
2:11-cv-30894-ER	PITTAWAY v. FOSTER WHEELER COMPANY et al	94-12572
2:11-cv-31062-ER	COFFER v. A-C PRODUCT LIABILITY TRUST et al	96-15965
2:11-cv-31100-ER	WATKINS v. A-C PRODUCT LIABILITY TRUST et al	00-10238
2:11-cv-31282-ER	SILVA v. A-C PRODUCT LIABILITY TRUST et al	97-11162
2:11-cv-31687-ER	PIERCE v. A-C PRODUCT LIABILITY TRUST et al	00-11797
2:11-cv-31744-ER	SPODAR et al v. FOSTER WHEELER COMPANY et al	94-12052
2:11-cv-31783-ER	SALDANA v. FOSTER WHEELER COMPANY et al	94-12758
2:11-cv-31793-ER	ANNABLE et al v. A-C PRODUCT LIABILITY TRUST	97-15239
2:11-cv-31857-ER	RODRIGUEZ et al v. FIBREBOARD CORPORATION et al	96-10531
2:11-cv-31869-ER	BADGER et al v. A-C PRODUCT LIABILITY TRUST et al	95-11417
2:11-cv-31877-ER	SPENCER et al v. A-C PRODUCT LIABILITY TRUST et al	95-14417
2:11-cv-31908-ER	HARDIN et al v. A-C PRODUCT LIABILITY TRUST et al	97-10127
2:11-cv-31919-ER	DEW et al v. A-C PRODUCT LIABILITY TRUST et al	95-12152
2:11-cv-31920-ER	NIMIGEAN et al v. A-C PRODUCT LIABILITY TRUST et al	96-14511
2:11-cv-33481-ER	ELLIS et al v. FOSTER WHEELER COMPANY et al	93-14217
2:11-cv-33482-ER	ESTE et al v. A-C PRODUCT LIABILITY TRUST et al	96-11379
2:11-cv-33487-ER	ALLEN v. FOSTER WHEELER COMPANY et al	93-11591
2:11-cv-33576-ER	MARQUEZ et al v. FOSTER WHEELER COMPANY et al	93-13278
2:11-cv-33577-ER	SAMAT et al v. ALCOA STEAMSHIP COMPANY, INC. et al	93-12305
2:11-cv-33583-ER	VARELA et al v. FARRELL LINES INC. et al	92-10299
2:11-cv-33602-ER	WILLIAMS v. A-C PRODUCT LIABILITY TRUST et al	97-13589
2:11-cv-33632-ER	KEATING v. A-C PRODUCT LIABILITY TRUST et al	99-12520

2:11-cv-33705-ER	SCOTT v. AMERADA HESS CORP. et al	93-11388
2:11-cv-33710-ER	BARTEL (COLEMAN) v. A.W. CHESTERTON CO., ET. AL.	88-04702
2:11-cv-33764-ER	LEBARRON v. CANADIAN DREDGE & DOCK et al	89-10459
2:11-cv-33807-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	95-12131
2:11-cv-33937-ER	SMITH v. A-C PRODUCT LIABILITY TRUST et al	95-11188
2:11-cv-59618-ER	HOLLINS v. A-C PRODUCT LIABILITY TRUST	00-10706

**EXHIBIT B**

Civil Action No.	Name	Remand Defendant
2:10CV30056	Esquilin, Braulio	United Fruit Company
		John Crane Inc.
2:10CV30917	Manthey, James B	Interlake Steamship Company
		Kinsman Marine Transit Company
		John Crane Inc.
2:11CV30100	Anglin, Carmon A	Tropicana Products, Inc
		John Crane Inc.
2:11CV30219	Casey, Clarence B	Great Lakes Dredge & Dock Co.
		Hannah Towing Company
		John Crane Inc.
2:11CV30269	Foster, Esker	United Fruit Company
		John Crane Inc.
2:11CV30274	Frederick, Tomas O	United Fruit Company
2:11CV30275	Frigoletti, Peter	Mormac Marine Transport, Inc.
2:11CV30324	Daniel, Cyril S	United Fruit Company
		Cosmopolitan Shipping Co., Inc.
		John Crane Inc.
2:11CV30367	Georgoussis, George	John Crane Inc.
2:11CV30407	Hamstra, Calvin J	Socony Vacuum Oil Company
		Exxon Mobil Corporation
		John Crane Inc.
2:11CV30430	Herbert, Francis C	United Fruit Company
		John Crane Inc.
2:11CV30471	Everhart, Joe	Moore McCormack Bulk Transport Inc.
		John Crane Inc.
2:11CV30477	Martin Jr., Charles A	Moore McCormack Bulk Transport Inc.
		John Crane Inc.
2:11CV30515	O'Brien, Allan H	American Export Lines Inc.
		Amoco Oil Co.
		Cleveland Tankers Inc.
		Farrell Lines Inc.
		Ford Motor Company
		American Export Isbrandtsen
		Trinidad Corporation
		Sinclair Refining Company
		United Fruit Company
		Sinclair Oil Corp.
		Gartland Steamship Co.
		Standard Oil Co. of Indiana
		John Crane Inc.

2:11CV30567	Ognenoff, John	Moore McCormack Bulk Transport Inc.
		Mormac Marine Transport, Inc.
		Marine Interest Corp.
		John Crane Inc.
2:11CV30647	Jensen-Hammer, Hans E	John Crane Inc.
2:11CV30653	Johnson, Charles	John Crane Inc.
2:11CV30677	Kindt, Herbert D	American Steamship Co.
		Boland & Cornelius
		Cement Transit Co.
2:11CV30725	Luyando, Frank	John Crane Inc.
2:11CV30754	Stigler, Jr., Joseph	Amoco Oil Co.
		Cleveland Tankers Inc.
		Farrell Lines Inc.
		Inland Steel Company
		United Fruit Company
		American Oil Co.
		Sinclair Oil Corp.
		John Crane Inc.
2:11CV30828	Watson, Lynn E	Amoco Oil Co.
		John Crane Inc.
2:11CV30853	Wilson, Donald	Bludco Barge & Towing, Inc.
		Marine Specialty
		John Crane Inc.
2:11CV30894	Pittaway, Thomas M	American Export Lines Inc.
		Trinidad Corporation
		United Fruit Company
		John Crane Inc.
2:11CV31062	Coffer, Alfred L	John Crane Inc.
2:11CV31100	Watkins, Albert	John Crane Inc.
2:11CV31282	Silva, Enrique	John Crane Inc.
2:11CV31687	Pierce, Philip E	John Crane Inc.
2:11CV31744	Spodar, Emil J	John Crane Inc.
2:11CV31783	Saldana, Roberto	John Crane Inc.
2:11CV31793	Annable, Charles W	Morania Oil Tanker Corp.
		Woods Hole Oceanographic Institution
2:11CV31857	Rodriguez, Adolph J	John Crane Inc.
2:11CV31869	Badger, Stanley R	BP Corporation N.A.
		John Crane Inc.
2:11CV31877	Spencer, Richard O	John Crane Inc.
2:11CV31908	Hardin, James H	John Crane Inc.

2:11CV31919	Dew, Billy M	American Export Lines Inc.
		Trinidad Corporation
		Union Oil Co. of California
		United Fruit Company
		John Crane Inc.
2:11CV31920	Nimigeon, Daniel	American Oil Co.
		Cleveland Cliffs S.S. Company
		Cleveland Cliffs Iron Company
		John Crane Inc.
2:11CV33481	Ellis, Johnnie	United Fruit Company
2:11CV33482	Este, Cyril H	United Fruit Company
		John Crane Inc.
2:11CV33487	Allen Jr., Benjamin A	American Export Lines Inc.
		Farrell Lines Inc.
		United Fruit Company
		John Crane-Houdaille, Inc.
2:11CV33576	Marquez, Felipe	New York & Cuba Mail S/S Co.
		John Crane Inc.
2:11CV33577	Samat, Kassim B	John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV33583	Varela, Santiago	United Fruit Company
		John Crane Inc.
2:11CV33602	Williams, James L	United Fruit Company
		Moore McCormack Bulk Transport Inc.
		John Crane Inc.
2:11CV33632	Keating, Norman M	Mobil Oil Corporation
		Exxon Company USA
		Esso Shipping Co.
		Socony Vacuum Oil Company
		Socony Mobil Oil Co.
		John Crane Inc.
2:11CV33705	Scott, Abraham A	Farrell Lines Inc.
		American Export Isbrandtsen
		Amoco Shipping Co.
		John Crane-Houdaille, Inc.

2:11CV33710	Coleman, Vincent J	Great Lakes Towing Co.
		Upper Lakes Towing Co.
		Peter Kiewit & Sons
		Lake Towing Inc.
2:11CV33764	LeBarron, David M	Great Lakes Towing Co.
2:11CV33807	Hatfield, Louis W	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		United Fruit Company
		John Crane Inc.
2:11CV33937	Smith, Eugene D	American Export Isbrandtsen
		Mobil Oil Corporation
		Mathiasen Tanker Ind. Inc.
		Socony Mobil Oil Co.
		Mormac Marine Transport, Inc.
		John Crane Inc.
2:11CV59618	Hollins, Rodney S	John Crane Inc.

