

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. 30)

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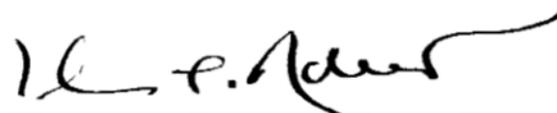
<sup>1</sup> On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory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

  
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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](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](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-31981-ER	ARCENEUX et al v. A-C PRODUCT LIABILITY TRUST et al	95-12492
2:11-cv-32039-ER	FRANKLIN v. A-C PRODUCT LIABILITY TRUST et al	95-14688
2:11-cv-32073-ER	PATTERSON V. A-C PRODUCT LIABILITY TRUST et al	95-11227
2:11-cv-32082-ER	LOPEZ v. A-C PRODUCT LIABILITY TRUST et al	96-13300
2:11-cv-32088-ER	BUNTING et al v. A-C PRODUCT LIABILITY TRUST et al	96-11268
2:11-cv-32089-ER	MITCHELTREE et al v. A-C PRODUCT LIABILITY TRUST et al	97-11604
2:11-cv-32093-ER	NEUMANN et al v. A-C PRODUCT LIABILITY TRUST et al	96-12488
2:11-cv-32106-ER	PURDY et al v. A-C PRODUCT LIABILITY TRUST et al	96-10744
2:11-cv-32117-ER	DICKENS et al v. A-C PRODUCT LIABILITY TRUST et al	95-12950
2:11-cv-32125-ER	BELL et al v. A-C PRODUCT LIABILITY TRUST et al	96-12561
2:11-cv-32140-ER	VAUGHN et al v. A-C PRODUCT LIABILITY TRUST et al	96-10706
2:11-cv-32168-ER	EBANKS v. A-C PRODUCT LIABILITY TRUST et al	97-11906
2:11-cv-32169-ER	MOLIZONE, JR et al v. A-C PRODUCT LIABILITY TRUST et al	95-15046
2:11-cv-32194-ER	FRANCA v. A-C PRODUCT LIABILITY TRUST et al	95-11539
2:11-cv-32199-ER	WYNNE et al v. A-C PRODUCT LIABILITY TRUST et al	95-11233
2:11-cv-32206-ER	MCGANN et al v. A-C PRODUCT LIABILITY TRUST et al	97-12414
2:11-cv-32207-ER	HASS et al v. A-C PRODUCT LIABILITY TRUST et al	96-10782
2:11-cv-32209-ER	TURNER et al v. A-C PRODUCT LIABILITY TRUST et al	96-13685
2:11-cv-32210-ER	BARTEL et al v. A.W. CHESTERTON CO., ET. AL.	96-10870
2:11-cv-32227-ER	WELCH v. A-C PRODUCT LIABILITY TRUST et al	95-15173
2:11-cv-32246-ER	BARTEL et al v. A-C PRODUCT LIABILITY TRUST et al	95-14831
2:11-cv-32249-ER	YOUNG et al v. A-C PRODUCT LIABILITY TRUST et al	96-11200
2:11-cv-32255-ER	FERRARI v. A-C PRODUCT LIABILITY TRUST et al	95-13653
2:11-cv-32262-ER	BROWN et al v. A-C PRODUCT LIABILITY TRUST et al	96-11105
2:11-cv-32266-ER	POULSEN et al v. A-C PRODUCT LIABILITY TRUST et al	96-12219
2:11-cv-32284-ER	JOHNSON v. A-C PRODUCT LIABILITY TRUST et al	96-15596
2:11-cv-32288-ER	CALVIN et al v. A-C PRODUCT LIABILITY TRUST et al	95-11461
2:11-cv-32305-ER	BOOKER et al v. A-C PRODUCT LIABILITY TRUST et al	96-13382
2:11-cv-32313-ER	WILKINS et al v. A-C PRODUCT LIABILITY TRUST et al	96-12359
2:11-cv-32326-ER	REID et al v. A-C PRODUCT LIABILITY TRUST et al	95-11427
2:11-cv-32330-ER	BARTEL v. AMERICAN EXPORT LINES INC. et al	95-13444
2:11-cv-32331-ER	RAWLINS et al v. A-C PRODUCT LIABILITY TRUST et al	96-11014
2:11-cv-32339-ER	DECOWSKI et al v. A-C PRODUCT LIABILITY TRUST et al	95-14983
2:11-cv-32368-ER	PAUL et al v. A-C PRODUCT LIABILITY TRUST et al	96-13563
2:11-cv-32391-ER	RICHARDSON v. A-C PRODUCT LIABILITY TRUST et al	95-13573
2:11-cv-32392-ER	OSBORNE v. A-C PRODUCT LIABILITY TRUST et al	96-11975
2:11-cv-32418-ER	POUNDERS v. A-C PRODUCT LIABILITY TRUST et al	97-13121
2:11-cv-32428-ER	CARMONA v. A-C PRODUCT LIABILITY TRUST et al	95-13284
2:11-cv-32436-ER	LAVIN v. A-C PRODUCT LIABILITY TRUST et al	95-13944
2:11-cv-32476-ER	RANSOME et al v. A-C PRODUCT LIABILITY TRUST et al	96-11568
2:11-cv-32507-ER	BAILEY v. A-C PRODUCT LIABILITY TRUST et al	95-11696
2:11-cv-32518-ER	BORG et al v. A-C PRODUCT LIABILITY TRUST et al	95-13354
2:11-cv-32522-ER	MCLAUGHLIN et al v. A-C PRODUCT LIABILITY TRUST et al	96-11602

2:11-cv-32531-ER	KONTNY v. A-C PRODUCT LIABILITY TRUST et al	96-12856
2:11-cv-32551-ER	JARMON et al v. A-C PRODUCT LIABILITY TRUST et al	93-13335
2:11-cv-32554-ER	HARDIMAN v. A-C PRODUCT LIABILITY TRUST et al	96-15697
2:11-cv-32566-ER	FLOWERS v. A-C PRODUCT LIABILITY TRUST et al	96-10254
2:11-cv-32569-ER	YOUNG v. A-C PRODUCT LIABILITY TRUST et al	96-13384
2:11-cv-32601-ER	INGEBRETSEN v. A-C PRODUCT LIABILITY TRUST et al	95-10902
2:11-cv-32618-ER	RUSSO v. A-C PRODUCT LIABILITY TRUST et al	94-14048

**EXHIBIT B**

Civil Action No.	Name	Remand Defendant
2:11CV31981	Arceneaux, Wilson J	Cosmopolitan Shipping Co., Inc. John Crane Inc.
2:11CV32039	Franklin, J B	Mobil Oil Corporation Sinclair Refining Company Humble Oil & Refining Company Exxon Oil Co. John Crane Inc.
2:11CV32073	Patterson, Earl W	Amoco Shipping Co. John Crane Inc.
2:11CV32082	Lopez, Justo V	John Crane Inc.
2:11CV32088	Bunting, Eugene R	Sun Transport Inc. Sun Refining & Marketing Co. Sun Co. John Crane Inc.
2:11CV32089	Mitcheltree, Robert L	Mathiasen Tanker Ind. Inc. John Crane Inc.
2:11CV32093	Neumann, Richard J	John Crane Inc.
2:11CV32106	Purdy, Elmer O	John Crane Inc.
2:11CV32117	Dickens, James A	United Fruit Company John Crane Inc.
2:11CV32125	Bell, Joseph S	United Fruit Company Amoco Shipping Co. American Oil Co. John Crane Inc.
2:11CV32140	Vaughn, Sidney J	Pan American Petroleum and Transport Company John Crane Inc.
2:11CV32168	Ebanks, John F	United Fruit Company John Crane Inc.
2:11CV32169	Molizone, Jr., Arthur J	United Fruit Company Cosmopolitan Shipping Co., Inc. Southport Steamship Corporation John Crane Inc.
2:11CV32194	Franca, John V	American Oil Co. Boston Towing & Transportation Co., Inc.
2:11CV32199	Wynne, Thomas G	Trinidad Corporation Mathiasen Tanker Ind. Inc. John Crane Inc.
2:11CV32206	McGann, Francis	New York & Cuba Mail S/S Co. John Crane Inc.
2:11CV32207	Hass, Herman E	BP Corporation N.A.

2:11CV32209	Turner, Noble	American Oil Co. John Crane Inc.
2:11CV32210	Karlsen, Leif K	Farrell Lines Inc. Trinidad Corporation Mathiasen Tanker Ind. Inc. John Crane Inc.
2:11CV32227	Welch, Declan F	United Fruit Company John Crane Inc.
2:11CV32246	Neel Jr., Walter P	United Fruit Company John Crane Inc.
2:11CV32249	Young, Joseph	Amoco Shipping Co. GlenEagle Ship Management Co. John Crane Inc.
2:11CV32255	Ferrari, Mark G	Trinidad Corporation United Fruit Company Amoco Shipping Co. John Crane Inc.
2:11CV32262	Brown, Jerome	United Fruit Company BP Corporation N.A.
2:11CV32266	Poulsen, Ole E	John Crane Inc.
2:11CV32284	Johnson, Claudio	United Fruit Company John Crane Inc.
2:11CV32288	Calvin, John J	John Crane Inc.
2:11CV32305	Booker, Andrew	Boland & Cornelius
2:11CV32313	Wilkins, Robert E	John Crane Inc.
2:11CV32326	Reid, Morris V	American Export Lines Inc. United Fruit Company Barber Asphalt Corp.
2:11CV32330	Gentile, Anthony T	American Export Lines Inc. Standard Oil Co. of New Jersey Esso Standard Oil Co. John Crane Inc.
2:11CV32331	Rawlins, Cottrell B	Cosmopolitan Shipping Co., Inc. John Crane Inc.
2:11CV32339	Decowski, Michael J	United Fruit Company John Crane Inc.
2:11CV32368	Paul, Alvin	John Crane Inc.
2:11CV32391	Richardson, William L	Farrell Lines Inc. Trinidad Corporation Sinclair Refining Company Mathiasen Tanker Ind. Inc. Sinclair Oil Company John Crane Inc.

2:11CV32392	Osborne, Vernon R	American Oil Co.
		John Crane Inc.
2:11CV32418	Pounders, Steven T	John Crane Inc.
2:11CV32428	Carmona, Santos	John Crane Inc.
2:11CV32436	Lavin, Herbert	United Fruit Company
		John Crane Inc.
2:11CV32476	Ransome, James T	John Crane Inc.
2:11CV32507	Bailey, Jr., Alfred B	Trinidad Corporation
		John Crane Inc.
2:11CV32518	Borg, Edward	John Crane Inc.
2:11CV32522	McLaughlin, Willie	John Crane Inc.
2:11CV32531	Kontny, Robert J	Kinsman Lines Inc.
		Cleveland Cliffs Iron Company
		John Crane Inc.
2:11CV32551	Jarmon, Jarvis L	Amoco Shipping Co.
		Moore McCormack Bulk Transport Inc.
		Mormac Marine Transport, Inc.
		Amoco Chemical Co.
		John Crane Inc.
2:11CV32554	Hardiman, Robert L	John Crane Inc.
2:11CV32566	Flowers, William S	Amoco Shipping Co.
		American Oil Co.
		John Crane Inc.
2:11CV32569	Young, Edgar	John Crane Inc.
2:11CV32601	Ingebretsen, Wesley K	Union Oil Company
		Watter's Marine Inc.
		Crown Zellerbach Corp.
		John Crane Inc.
2:11CV32618	Russo, Charles L	John Crane Inc.

