IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY LITIGATION (No. VI)	:	Consolidated Under MDL DOCKET NO. 875
VARIOUS PLAINTIFFS	:	Transferred from the Northern District of Ohio
v.	:	
VARIOUS DEFENDANTS	:	Certain "MARDOC" cases listed in Exhibit "A," attached

MARDOC SUGGESTION OF REMAND (No. 31)

AND NOW, this **4th** 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.[1]

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

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[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-32623-ER	COLLINS et al v. MARINE TRANSPORT LINES INC. et al	86-04326
2:11-cv-32635-ER	MALLARD et al v. FOSTER WHEELER COMPANY et al	93-13118
2:11-cv-32673-ER	ODOM et al v. FOSTER WHEELER ENERGY CORPORATION et al	93-11079
2:11-cv-32679-ER	BISE et al v. A-C PRODUCT LIABILITY TRUST et al	96-15227
2:11-cv-32696-ER	MASON v. A C S INDUSTRIES, INC. et al	88-04726
2:11-cv-32711-ER	MOORE et al v. A-C PRODUCT LIABILITY TRUST et al	96-14231
2:11-cv-32712-ER	MILLER v. FOSTER WHEELER COMPANY et al	93-13715
2:11-cv-32718-ER	CHU et al v. FOSTER WHEELER COMPANY et al	93-14045
2:11-cv-32726-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-11211
2:11-cv-32737-ER	REED et al v. FOSTER WHEELER COMPANY et al	93-13186
2:11-cv-32742-ER	RIVERA et al v. AMERICAN EXPORT LINES INC. et al	86-04575
2:11-cv-32754-ER	MUIR et al v. A-C PRODUCT LIABILITY TRUST et al	96-10046
2:11-cv-32757-ER	SHANNON v. AMERICAN PRESIDENT LINES LTD. et al	86-01998
2:11-cv-32765-ER	SMITH v. GULF OIL COMPANY et al	86-02001
2:11-cv-32779-ER	FABIANI et al v. FOSTER WHEELER COMPANY et al	94-11564
2:11-cv-32822-ER	QUATTRONE et al v. FOSTER WHEELER COMPANY et al	94-12300
2:11-cv-32848-ER	LASTER et al v. AMERICAN EAGLE TANKER CORP. et al	93-11337
2:11-cv-32850-ER	CARTER et al v. AMERICAN EXPORT LINES INC. et al	86-01856
2:11-cv-32879-ER	PENIARANDA et al v. A C S INDUSTRIES, INC. et al	88-04732
2:11-cv-32890-ER	LUGO et al v. FOSTER WHEELER COMPANY et al	93-14198
2:11-cv-32902-ER	MURPHY et al v. FOSTER WHEELER COMPANY et al	93-10110
2:11-cv-32906-ER	SMITH et al v. AMERICAN EXPORT LINES INC. et al	86-03012
2:11-cv-32911-ER	ZEIDEL et al v. FOSTER WHEELER COMPANY et al	93-12554
2:11-cv-32917-ER	SPRAWLIN v. AMERICAN EXPORT LINES INC. et al	93-10978
2:11-cv-32928-ER	PORTILLO et al v. AMERCARGO INC. et al	86-02998
2:11-cv-32946-ER	CLIFFORD et al v. AMERICAN PRESIDENT LINES LTD. et al	86-01861
2:11-cv-32972-ER	HIGGINS et al v. AMERICAN PRESIDENT LINES LTD. et al	86-00790
2:11-cv-32975-ER	PAPEZ v. FOSTER WHEELER COMPANY et al	94-11629
2:11-cv-33002-ER	BLANCO et al v. FORSTER WHEELER CORPORATION et al	92-11230
2:11-cv-33007-ER	COUNCIL et al v. FOSTER WHEELER COMPANY et al	93-12266
2:11-cv-33015-ER	WILSON et al v. ALASKA STEAMSHIP COMPANY et al	93-12782
2:11-cv-33021-ER	TRAYNOR v. ALASKA STEAMSHIP COMPANY et al	93-10505
2:11-cv-33034-ER	DANIELS et al v. FOSTER WHEELER COMPANY et al	93-11633
2:11-cv-33047-ER	GILLIKIN et al v. ALCOA et al	86-04390
2:11-cv-33066-ER	LUGO et al v. AMERICAN EXPORT ISBRANDSTEN et al	92-10200
2:11-cv-33072-ER	PATRICK v. ACANDS, INC. et al	90-10471
2:11-cv-33088-ER	FRANKLIN et al v. A-C PRODUCT LIABILITY TRUST et al	94-12958
2:11-cv-33091-ER	BADGER v. FOSTER WHEELER COMPANY et al	93-10103
2:11-cv-33143-ER	WILLIAMS et al v. A-C PRODUCT LIABILITY TRUST et al	96-15655
2:11-cv-33144-ER	LOWTHER et al v. FOSTER WHEELER COMPANY et al	94-11356
2:11-cv-33159-ER	BISHOP v. A-C PRODUCT LIABILITY TRUST et al	00-10813
2:11-cv-33164-ER	DALY v. A-C PRODUCT LIABILITY TRUST et al	98-10724
2:11-cv-33167-ER	WILLIS et al v. BALDBUTTE SHIPPING CO. et al	93-13018
2:11-cv-33169-ER	FERNANDEZ v. FOSTER WHEELER COMPANY et al	94-12321

2:11-cv-33171-ER	BELL et al v. CENTRAL GULF STEAMSHIP CORPORATION et al	93-12123
2:11-cv-33174-ER	THRASHER et al v. A-C PRODUCT LIABILITY TRUST et al	97-14431
2:11-cv-33209-ER	WEISS et al v. ACANDS, INC. et al	89-15637
2:11-cv-33221-ER	STOKES et al v. A-C PRODUCT LIABILITY TRUST et al	94-14035
2:11-cv-33225-ER	PHILLIPS et al v. FOSTER WHEELER COMPANY et al	89-15342
2:11-cv-33233-ER	REED et al v. AMERICAN MAIL LINES et al	92-11302

EXHIBIT B

Civil Action No.	Name	Remand Defendant
2:11CV32623	Collins, James E	American Export Lines Inc.
		John Crane Inc.
2:11CV32635	Mallard, Otis	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		John Crane Inc.
2:11CV32673	Odom, Sr., James C	Farrell Lines Inc.
		United Fruit Company
		Alabama Dry Dock
		John Crane-Houdaille, Inc.
2:11CV32679	Bise, James E	Farrell Lines Inc.
		American Export Isbrandtsen
		Trinidad Corporation
		John Crane Inc.
2:11CV32696	Mason, Robert G	Gartland Steamship Co.
2:11CV32711	Moore, Guy P	John Crane Inc.
2:11CV32712	Wilson, James	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		John Crane Inc.
2:11CV32718	Chu, Yung S	United Fruit Company
2:11CV32726	Bakker, Cornelius	United Fruit Company
		John Crane Inc.
2:11CV32737	Reed, Robert H	Trinidad Corporation
		United Fruit Company
		Mathiasen Tanker Ind. Inc.
		John Crane Inc.
2:11CV32742	Rivera, Teodoro R	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
2:11CV32754	Muir, Russell P	John Crane Inc.
2:11CV32757	Shannon, Harry G	John Crane Inc.
2:11CV32765	Smith, Mose D	John Crane Inc.
2:11CV32779	Fabiani, Jose A	John Crane Inc.
2:11CV32822	Quattrone, Anthony P	United Fruit Company
		John Crane Inc.
2:11CV32848	Laster, Horace	John Crane-Houdaille, Inc.
2:11CV32850	Carter, Sr., Robert G	United Fruit Company
2:11CV32879	Peniaranda, Felimon	John Crane Inc.
2:11CV32890	Lugo, Salvador	United Fruit Company
		New York & Cuba Mail S/S Co.

2:11CV32902	Murphy, Leonard F	John Crane-Houdaille, Inc.
2:11CV32906	Smith, Stanley E	United Fruit Company
		John Crane Inc.
2:11CV32911	Zeidel, Alvin	United Fruit Company
		John Crane Inc.
2:11CV32917	Marvin, Sprawlin	United Fruit Company
		John Crane-Houdaille, Inc.
2:11CV32928	Portillo, Francisco	United Fruit Company
		John Crane Inc.
2:11CV32946	Clifford, Lawrence W	John Crane Inc.
2:11CV32972	Higgins, William F	J. J. Tennant Co. Oregon
		John Crane Inc.
2:11CV32975	Papez, Frank	Farrell Lines Inc.
		Mobil Oil Corporation
		John Crane Inc.
2:11CV33002	Blanco, Bienvenido	Charles Kurz & Company Inc.
		Farrell Lines Inc.
		Keystone Shipping Company
		Trinidad Corporation
		John Crane Inc.
2:11CV33007	Council, Ruben	United Fruit Company
		John Crane-Houdaille, Inc.
2:11CV33015	Wilson, Gerald C	John Crane Inc.
2:11CV33021	Traynor, John F	John Crane-Houdaille, Inc.
2:11CV33034	Daniels, Charlie M	Farrell Lines Inc.
		Trinidad Corporation
		New York & Cuba Mail S/S Co.
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV33047	Gillikin, Charles O	Farrell Lines Inc.
		John Crane Inc.
2:11CV33066	Lugo, Marcial	John Crane Inc.
2:11CV33072	Patrick, Tyrone D	British Petroleum Co.
2:11CV33088	Franklin, Levi	Cosmopolitan Shipping Co., Inc.
2:11CV33091	Badger, Joyce L	John Crane-Houdaille, Inc.

2:11CV33143	Williams, McCleary	United Fruit Company
		Pan American Petroleum and Transport Company
		New York & Cuba Mail S/S Co.
2:11CV33144	Lowther, Roy	American Oil Co.
		John Crane Inc.
2:11CV33159	Bishop, Graham K	Trinidad Corporation
		John Crane Inc.
2:11CV33164	Daly, Robert V	John Crane Inc.
2:11CV33167	Willis, Albert L	United Fruit Company
		John Crane Inc.
2:11CV33169	Fernandez, Edward	American Export Lines Inc.
		Amoco Oil Co.
		Cleveland Tankers Inc.
		Farrell Lines Inc.
		American Oil Co.
		Atlantic Richfield Co.
		John Crane Inc.
2:11CV33171	Bell, Granville K	John Crane-Houdaille, Inc.
2:11CV33174	Thrasher, Guy M	John Crane Inc.
2:11CV33209	Weiss, Bernard L	American Steamship Co.
		Interlake Steamship Company
		John Crane Inc.
2:11CV33221	Stokes, Embri	Cosmopolitan Shipping Co., Inc.
		New York & Cuba Mail S/S Co.
		John Crane Inc.
2:11CV33225	Phillips, James A	John Crane Inc.
2:11CV33233	Reed, Samuel A	John Crane Inc.