

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. :
 : Certain "MARDOC" cases listed
VARIOUS DEFENDANTS : in Exhibit "A," attached

MARDOC SUGGESTION OF REMAND (No. 34)

AND NOW, this 5th 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

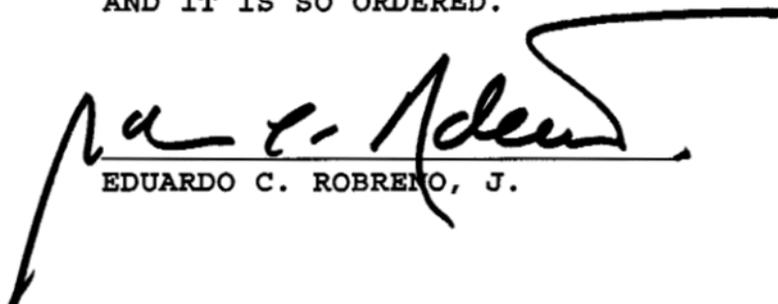
¹ On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory claims over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



Handwritten signature of Eduardo C. Robreno, J. The signature is written in black ink and is highly stylized, with a long horizontal line extending to the right and a large, sweeping flourish above it.

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](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		
PA-E Case Number	Caption	OH-N Case Number
2:11-cv-32033-ER	DUARTE v. A-C PRODUCT LIABILITY TRUST et al	95-13691
2:11-cv-32067-ER	NETTLES et al v. A-C PRODUCT LIABILITY TRUST et al	95-14138
2:11-cv-32137-ER	CLEMMONS et al v. A-C PRODUCT LIABILITY TRUST et al	95-11857
2:11-cv-32177-ER	SULLIVAN et al v. A-C PRODUCT LIABILITY TRUST et al	97-11939
2:11-cv-32193-ER	BUTTRAM et al v. A-C PRODUCT LIABILITY TRUST et al	96-10875
2:11-cv-32260-ER	BENJAMIN et al v. A-C PRODUCT LIABILITY TRUST et al	95-12227
2:11-cv-32263-ER	MUNROE et al v. A-C PRODUCT LIABILITY TRUST et al	95-11492
2:11-cv-32294-ER	JAUNDOO et al v. A-C PRODUCT LIABILITY TRUST et al	96-12467
2:11-cv-32336-ER	SERNAQUE et al v. A-C PRODUCT LIABILITY TRUST et al	95-14166
2:11-cv-32388-ER	TETZNER et al v. A-C PRODUCT LIABILITY TRUST et al	96-15176
2:11-cv-32474-ER	HOHEISEL et al v. A-C PRODUCT LIABILITY TRUST et al	96-10142
2:11-cv-32504-ER	SHIRLEY v. A-C PRODUCT LIABILITY TRUST et al	98-12381
2:11-cv-32512-ER	TRUMAN v. A-C PRODUCT LIABILITY TRUST et al	96-12059
2:11-cv-32560-ER	STEPTOE et al v. A-C PRODUCT LIABILITY TRUST et al	93-13334
2:11-cv-32581-ER	GUARNELO v. A-C PRODUCT LIABILITY TRUST et al	95-13162
2:11-cv-32608-ER	MATULEWICZ v. AMERICAN PRESIDENT LINES, LTD. et al	86-02680
2:11-cv-32666-ER	RICHARDS et al v. A-C PRODUCT LIABILITY TRUST et al	96-11904
2:11-cv-32705-ER	LUDGOOD et al v. FOSTER WHEELER COMPANY et al	89-15239
2:11-cv-32760-ER	SUMMERS v. AMERICAN EXPORT ISBRANDTSEN et al	93-11270
2:11-cv-32762-ER	WALLACE et al v. AMERICAN EXPORT ISBRANDTSEN et al	93-12753
2:11-cv-32768-ER	MCMANUS et al v. AFRICAN AMERICAN LINES et al	93-11345
2:11-cv-32780-ER	KELLER et al v. A-C PRODUCT LIABILITY TRUST et al	95-14576
2:11-cv-32788-ER	COLLEY v. CITIES SERVICE TANKERS CORP. et al	86-04324
2:11-cv-32798-ER	PASSMORE et al v. FOSTER WHEELER COMPANY et al	94-10887
2:11-cv-32801-ER	YARBROUGH et al v. AMERICAN EXPORT ISBRANDTSEN et al	93-11304
2:11-cv-32803-ER	OSBORN et al v. ALASKA STEAMSHIP COMPANY et al	86-01704
2:11-cv-32816-ER	MCFALL et al v. FOSTER WHEELER COMPANY et al	89-15265
2:11-cv-32823-ER	FRAZIER et al v. AMERICAN PRESIDENT LINES LTD. et al	93-12125
2:11-cv-32830-ER	RICHARDSON et al v. A-C PRODUCT LIABILITY TRUST et al	97-10356
2:11-cv-32835-ER	GLOVER et al v. AMERICAN CONDOR STEAMSHIP CORP. et al	93-10333
2:11-cv-32853-ER	JOHNSON et al v. STATES MARINE LINES et al	86-04448
2:11-cv-32861-ER	WELLS et al v. ACANDS, INC. et al	89-16056
2:11-cv-32868-ER	SINGLETON v. A-C PRODUCT LIABILITY TRUST et al	95-12495
2:11-cv-32885-ER	CRESPO et al v. ACANDS, INC. et al	89-15509
2:11-cv-32888-ER	TODD et al v. ACANDS, INC. et al	89-15629
2:11-cv-32909-ER	COOK et al v. ACANDS, INC. et al	90-10728
2:11-cv-32931-ER	BLAKE et al v. ALASKA STEAMSHIP COMPANY et al	86-02754
2:11-cv-32939-ER	FRAZIER et al v. AMERICAN EXPORT LINES INC. et al	86-02136
2:11-cv-32949-ER	KIRKLAND v. AMERICAN TRADING TRANSP. CO. et al	86-01948
2:11-cv-32976-ER	MOODY et al v. AMERICAN OIL CO. et al	91-10533
2:11-cv-33027-ER	LAGUANA et al v. AMERICAN PRESIDENT LINES LTD. et al	93-11833
2:11-cv-33051-ER	MOTLEY v. AMERICAN EXPORT ISBRANDTSEN et al	86-04497
2:11-cv-33111-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-14234
2:11-cv-33131-ER	HUGHES et al v. A-C PRODUCT LIABILITY TRUST et al	94-13822

2:11-cv-33145-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	96-14745
2:11-cv-33163-ER	PINHEIRO v. A-C PRODUCT LIABILITY TRUST et al	00-10037
2:11-cv-33166-ER	HARRIS v. A-C PRODUCT LIABILITY TRUST et al	00-10817
2:11-cv-33170-ER	BRIN et al v. A-C PRODUCT LIABILITY TRUST et al	95-11266
2:11-cv-33175-ER	MURRAH et al v. AMERICAN EXPORT LINES INC. et al	90-10939
2:11-cv-33178-ER	CRAIG et al v. A-C PRODUCT LIABILITY TRUST et al	95-13963

EXHIBIT B

Civil Action No.	Name	Remand Defendant
2:11CV32033	Duarte, John	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		Sinclair Refining Company
		Amoco Shipping Co.
		American Oil Co.
		Esso Shipping Co.
		Boston Fuel Transportation, Inc.
		John Crane Inc.
2:11CV32067	Nettles, Clifford T	John Crane Inc.
2:11CV32137	Clemmons, Durward B	American Export Isbrandtsen
		Standard Oil Co. of New Jersey
		Humble Oil & Refining Company
		Exxon Company USA
		Pan American Petroleum and Transport Company
		Exxon Mobil Corporation
		John Crane Inc.
2:11CV32177	Sullivan, Thomas J	United Fruit Company
		John Crane Inc.
2:11CV32193	Buttram, Jack E	Trinidad Corporation
		United Fruit Company
		Marine Transport Operator
		BP Corporation N.A.
		John Crane Inc.
2:11CV32260	Benjamin, Jack D	Mathiasen Tanker Ind. Inc.
		John Crane Inc.
2:11CV32263	Munroe, Charles A	Kinsman Lines Inc.
		Boland & Cornelius
		Kinsman Marine Transit Company
		John Crane Inc.
2:11CV32294	Jaundoo, Cecil L	New York & Cuba Mail S/S Co.
2:11CV32336	Sernaque, Leonard A	Amoco Shipping Co.
		John Crane Inc.
2:11CV32388	Tetzner, Ronald	John Crane Inc.
2:11CV32474	Hoheisel, Cleo	John Crane Inc.
2:11CV32504	Shirley, Gerald R	John Crane Inc.

2:11CV32512	Truman, Charles H	John Crane Inc.
2:11CV32560	Steptoe Jr., Jessie	Amoco Shipping Co.
		BP Corporation N.A.
2:11CV32581	Guarnelo, Philipe	Amoco Shipping Co.
		American Oil Co.
		John Crane Inc.
2:11CV32608	Matulewicz, Bernard M	J. J. Tennant Co. Oregon
		John Crane Inc.
2:11CV32666	Richards, Paul W	United Fruit Company
		BP Corporation N.A.
		John Crane Inc.
2:11CV32705	Ludgood, Glover	Cosmopolitan Shipping Co., Inc.
		John Crane Inc.
2:11CV32760	Summers, Charles H	Amoco Oil Co.
		Cleveland Tankers Inc.
		Farrell Lines Inc.
		Ford Motor Company
		American Export Isbrandtsen
		American Oil Co.
		John Crane-Houdaille, Inc.
2:11CV32762	Wallace, John L	New York & Cuba Mail S/S Co.
		John Crane Inc.
2:11CV32768	McManus, Kenneth Y	Amoco Shipping Co.
		Amoco Tanker Corp.
		Pan American Petroleum and Transport Company
		BP Corporation N.A.
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV32780	Keller, John F	John Crane Inc.
2:11CV32788	Colley, Jr., Walter R	Waterman Steamship Corporation
		Cosmopolitan Shipping Co., Inc.
		John Crane Inc.
2:11CV32798	Passmore, Anderson T	Farrell Lines Inc.
		American Export Isbrandtsen
		Trinidad Corporation
		United Fruit Company
		Amoco Shipping Co.
		Union Carbide Corporation
		Moore McCormack Bulk Transport Inc.
		John Crane Inc.

2:11CV32801	Yarbrough, Eric E	Amoco Shipping Co.
		Moore McCormack Bulk Transport Inc.
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV32803	Osborn, Johnnie W	J. J. Tennant Co. Oregon
		John Crane Inc.
2:11CV32816	McFall, Raymond E	Amoco Shipping Co.
		American Oil Co.
		John Crane Inc.
2:11CV32823	Frazier, Daniel F	John Crane-Houdaille, Inc.
2:11CV32830	Richardson, C. J	United Fruit Company
		Barber Asphalt Corp.
		Pan American Petroleum and Transport Company
		John Crane Inc.
2:11CV32835	Glover, Henry L	United Fruit Company
		Amoco Shipping Co.
		Barber Asphalt Corp.
		John Crane-Houdaille, Inc.
2:11CV32853	Johnson, Fred D	New York Cuba Lines
		Cosmopolitan Shipping Co., Inc.
		New York & Cuba Mail S/S Co.
		John Crane Inc.
2:11CV32861	Wells, Jr., Andrew W	Amoco Oil Co.
		Farrell Lines Inc.
		Amoco Shipping Co.
		Mathiasen Tanker Ind. Inc.
		John Crane Inc.
2:11CV32868	Singleton, James E	Amoco Shipping Co.
		Mormac Marine Transport, Inc.
		John Crane Inc.
2:11CV32885	Crespo, Fernando A	John Crane Inc.
2:11CV32888	Todd, Jeremiah	John Crane Inc.
2:11CV32909	Cook, William A	American Export Lines Inc.
		Amoco Oil Co.
		Farrell Lines Inc.
		Keystone Shipping Company
		Marine Navigation Company
		Cosmopolitan Shipping Co., Inc.
		John Crane Inc.

2:11CV32931	Blake, Jewel D	United Fruit Company
		Chiquita Brands International, Inc.
		John Crane Inc.
2:11CV32939	Frazier, James H	Barber Asphalt Corp.
		John Crane Inc.
2:11CV32949	Kirkland, Jr., Isaac	Amoco Shipping Co.
		Oswego Steamship Co.
2:11CV32976	Moody, Joe T	Amoco Shipping Co.
		American Oil Co.
		Pan American Petroleum and Transport Company
		John Crane Inc.
2:11CV33027	Laguana, Juan S	J. J. Tennant Co. Oregon
		J. J. Tennant Co.
		John Crane-Houdaille, Inc.
2:11CV33051	Motley, Sr., Carl T	Amoco Shipping Co.
		American Oil Co.
2:11CV33111	Cravey, Wayne M	Coordinated Caribbean Transport Inc.
		John Crane Inc.
2:11CV33131	Hughes, Monzella	Pan American Petroleum and Transport Company
		John Crane Inc.
2:11CV33145	Kasper, Henry	John Crane Inc.
2:11CV33163	Pinheiro, Hildebrando A	Amoco Shipping Co.
		American Oil Co.
		Moore McCormack Bulk Transport Inc.
		Mormac Marine Transport, Inc.
		John Crane Inc.
2:11CV33166	Harris, Walter	John Crane Inc.
2:11CV33170	Brin, Alexandre J	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		Trinidad Corporation
		Amoco Shipping Co.
		Esso Standard Oil Co.
		Humble Oil & Refining Company
		Humble Oil Co.
		Exxon Mobil Corporation
		John Crane Inc.
2:11CV33175	Murrah, Theodore	American Oil Co.
		John Crane Inc.
2:11CV33178	Craig, Paul H	Coastwise Trading Company
		John Crane Inc.