

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. 37)

AND NOW, this 22nd day of July, 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

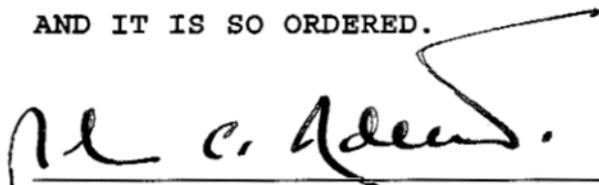
¹ On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory claims over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

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		OH-N Case Number
2:09-cv-30179-ER	MCCARTY v. A-C PRODUCT LIABILITY TRUST et al	01-10066
2:09-cv-30216-ER	FREDERICK v. A-C PRODUCT LIABILITY TRUST et al	01-10103
2:10-cv-30270-ER	BARTEL (DEL TORO) et al v. A-C PRODUCT LIABILITY TRUST et al	02-10072
2:10-cv-30405-ER	MALM v. A-C PRODUCT LIABILITY TRUST et al	02-10150
2:10-cv-30650-ER	BARTEL v. A.W. CHESTERON CO., ET. AL.	01-10832
2:11-cv-30083-ER	ALEXANDER et al v. FOSTER WHEELER COMPANY et al	94-10343
2:11-cv-30092-ER	ALVAREZ v. A-C PRODUCT LIABILITY TRUST et al	98-11852
2:11-cv-30101-ER	APSHIRE et al v. A-C PRODUCT LIABILITY TRUST et al	98-10411
2:11-cv-30107-ER	ARMSTRONG et al v. A-C PRODUCT LIABILITY TRUST et al	97-12173
2:11-cv-30112-ER	ASHFORD et al v. A-C PRODUCT LIABILITY TRUST et al	94-13069
2:11-cv-30152-ER	BIRDSONG et al v. FOSTER WHEELER COMPANY	93-13539
2:11-cv-30153-ER	BISHOP et al v. A-C PRODUCT LIABILITY TRUST et al	98-11900
2:11-cv-30201-ER	BYNUM et al v. A-C PRODUCT LIABILITY TRUST et al	97-10758
2:11-cv-32592-ER	MOLITOR et al v. A-C PRODUCT LIABILITY TRUST et al	96-12345
2:11-cv-32594-ER	WOODS et al v. A-C PRODUCT LIABILITY TRUST et al	96-10055
2:11-cv-32598-ER	GUIDRY et al v. A-C PRODUCT LIABILITY TRUST et al	96-10690
2:11-cv-32600-ER	CAUDILL et al v. A-C PRODUCT LIABILITY TRUST et al	96-10613
2:11-cv-32813-ER	RUMPH et al v. AMERCARGO INC. et al	92-10297
2:11-cv-32827-ER	MILLER v. A. P. GREEN INDUSTRIES, INC. et al	98-10081
2:11-cv-33122-ER	VIDAILLET et al v. FOSTER WHEELER COMPANY et al	94-12506
2:11-cv-33123-ER	PORTER v. A. H. BULL AND CO. et al	93-11194
2:11-cv-33130-ER	BRANTLEY et al v. FOSTER WHEELER COMPANY et al	94-12665
2:11-cv-33132-ER	PRIDGEN et al v. AMERICAN EXPORT LINES INC. et al	86-03443
2:11-cv-33139-ER	HOLM et al v. A C S INDUSTRIES, INC. et al	88-04718
2:11-cv-33141-ER	YGLESIAS et al v. AMERADA HESS CORP. et al	93-12437
2:11-cv-33148-ER	POLONIS et al v. A-C PRODUCT LIABILITY TRUST et al	95-14610
2:11-cv-33152-ER	POMPEY v. AMERICAN EXPORT ISBRANDTSEN et al	92-10607
2:11-cv-33155-ER	PRICE et al v. FOSTER WHEELER COMPANY et al	93-13612
2:11-cv-33201-ER	JOHNSON et al v. ACANDS, INC. et al	90-11176
2:11-cv-33243-ER	WILBURN v. CHARLES KURZ & COMPANY INC. et al	86-02277
2:11-cv-33257-ER	MILLER v. FOSTER WHEELER COMPANY et al	94-12155
2:11-cv-33268-ER	PALMER v. FOSTER WHEELER COMPANY et al	93-13485
2:11-cv-33291-ER	PACE v. A-C PRODUCT LIABILITY TRUST, ET AL	00-12016
2:11-cv-33295-ER	MAHER et al v. A-C PRODUCT LIABILITY TRUST et al	98-10869
2:11-cv-33306-ER	SYPNIEWSKI et al v. A-C PRODUCT LAIBILITY TRUST et al	96-11278
2:11-cv-33309-ER	BURNS et al v. A-C PRODUCT LIABILITY TRUST et al	95-11613
2:11-cv-33310-ER	CREIGHTON v. ACANDS, INC. et al	89-18762
2:11-cv-33346-ER	RATLIFF et al v. GULF OIL COMPANY et al	93-12224
2:11-cv-33424-ER	FERKO v. AMERICAN STEAMSHIP CO. et al	86-04384
2:11-cv-33445-ER	MILLER v. ALASKA STEAMSHIP COMPANY et al	87-01579
2:11-cv-33459-ER	JENKINS et al v. AMERICAN MAIL LINES et al	86-02168
2:11-cv-33480-ER	MONTALVO et al v. A-C PRODUCT LIABILITY TRUST et al	94-13419
2:11-cv-33574-ER	RODERICK et al v. AMERICAN EXPORT ISBRANDTSEN et al	92-11052
2:11-cv-33773-ER	TORRES et al v. AMERADA HESS CORP. et al	93-12195

2:11-cv-33811-ER	STEWART et al v. ACANDS, INC. et al	91-10027
2:11-cv-33833-ER	WILLIAMS v. AMERICAN EXPORT LINES INC. et al	93-11634
2:11-cv-33841-ER	COULTER et al v. ACANDS, INC. et al	89-16279
2:11-cv-33844-ER	POULIS v. GRACE LINES/PRUDENTIAL LINES et al	86-04567
2:11-cv-33853-ER	BAYSMORE v. ACADEMY TANKERS INC. et al	93-11401
2:11-cv-33870-ER	JACKSON et al v. AMERICAN TRADING & PRODUCTION CORP. et al	93-10373

EXHIBIT B

Civil Action No.	Name	Remand Defendant
2:09CV30179	McCarty, Olen O	American Steamship Co.
		Reiss Steamship Company
		John Crane Inc.
2:09CV30216	Frederick, Terrance J	United Fruit Company
		John Crane Inc.
2:10CV30270	Del Toro, Luis A	United Fruit Company
		John Crane Inc.
2:10CV30405	Malm, Gordon W	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		John Crane Inc.
2:10CV30650	Bourque, Robert L	Kinsman Marine Transit Company
		Cleveland Cliffs Iron Company
2:11CV30083	Alexander Sr., Samuel	United Fruit Company
		American Oil Co.
		Oswego Steamship Co.
2:11CV30092	Alvarez, Enrique J	American Export Isbrandtsen
		John Crane Inc.
2:11CV30101	Apshire, Gyron P	Mathiasen Tanker Ind. Inc.
		Moore McCormack Bulk Transport Inc.
		Bludco Barge & Towing, Inc.
		John Crane Inc.
2:11CV30107	Armstrong, Daniel P	United Fruit Company
		Chiquita Brands International, Inc.
		John Crane Inc.
2:11CV30112	Ashford, Leon A	John Crane Inc.
2:11CV30152	Birdsong, Louis	United Fruit Company
		Amoco Shipping Co.
		John Crane Inc.
2:11CV30153	Bishop, Conrad R	United Fruit Company
		John Crane Inc.
2:11CV30201	Bynum, Samuel	Farrell Lines Inc.
		John Crane Inc.

2:11CV32592	Molitor, Rudolph G	John Crane Inc.
2:11CV32594	Woods, Daniel L	American Oil Co.
		Pan American Petroleum and Transport Company
		BP Corporation N.A.
		John Crane Inc.
2:11CV32598	Guidry, Wilson	John Crane Inc.
2:11CV32600	Caudill, Hubert W	Amoco Shipping Co.
		American Oil Co.
		John Crane Inc.
2:11CV32813	Rumph, Winston W	American Oil Co.
		John Crane Inc.
2:11CV32827	Tedder, Paul T	Esso Shipping Co.
		John Crane Inc.
2:11CV33122	Vidaillet, Cristobal	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		United Fruit Company
		John Crane Inc.
2:11CV33123	Porter, Herbert L	Amoco Shipping Co.
		John Crane-Houdaille, Inc.
		Crane Company
2:11CV33130	Brantley, John M	Amoco Oil Co.
		Cosmopolitan Shipping Co., Inc.
2:11CV33132	Pridgen, Robert	United Fruit Company
		John Crane Inc.
2:11CV33139	Holm, Carl N	John Crane Inc.
2:11CV33141	Yglesias, Raul S	Trinidad Corporation
		Amoco Shipping Co.
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV33148	Polonis, Michael	Amoco Shipping Co.
		John Crane Inc.
2:11CV33152	Pompey, John D	Amoco Shipping Co.
		John Crane Inc.
2:11CV33155	Price, Clyde L	Mobil Oil Corporation
		Trinidad Corporation
		Western Tankers Company
		Mathiasen Tanker Ind. Inc.
		Watter's Marine Inc.
		John Crane Inc.

2:11CV33201	Johnson, Willie H	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		John Crane Inc.
2:11CV33243	Wilburn, George W	United Fruit Company
		John Crane Inc.
2:11CV33257	Christy, Eddie J	Amoco Shipping Co.
		John Crane Inc.
2:11CV33268	Palmer, William G	United Fruit Company
		John Crane Inc.
		Crane Company
2:11CV33291	Pace, Lorenzo K	Amoco Shipping Co.
		John Crane Inc.
2:11CV33295	Maher, Charles T	John Crane Inc.
2:11CV33306	Sypniewski, John A	Cosmopolitan Steamship Co.
		Cosmopolitan Shipping Co., Inc.
		John Crane Inc.
2:11CV33309	Burns, Charles R	Waterman Marine Corp.
2:11CV33310	Vallow, Garfield L	Farrell Lines Inc.
		American Export Isbrandtsen
2:11CV33346	Ratliff, J. W.	Trinidad Corporation
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV33424	Ferko, Paul T	Kinsman Lines Inc.
		Kinsman Marine Transit Company
2:11CV33445	Clarke, Asquith K	Amoco Shipping Co.
		American Oil Co.
2:11CV33459	Jenkins, Billie	John Crane Inc.
2:11CV33480	Montalvo, Elias	United Fruit Company
		John Crane Inc.
2:11CV33574	Roderick, Efrain	Cities Service Oil Company
		John Crane Inc.

2:11CV33773	Torres, Francisco O	American Export Lines Inc.
		Cosmopolitan Shipping Co., Inc.
		New York & Cuba Mail S/S Co.
		John Crane-Houdaille, Inc.
2:11CV33811	Stewart, Freddie	Cosmopolitan Shipping Co., Inc.
		Pan American Petroleum and Transport Company
		John Crane Inc.
2:11CV33833	Williams, Freddie L	Amoco Shipping Co.
		John Crane-Houdaille, Inc.
2:11CV33841	Coulter, Harold H	John Crane Inc.
2:11CV33844	Poulis, James A	Cosmopolitan Shipping Co., Inc.
		New York & Cuba Mail S/S Co.
		John Crane Inc.
2:11CV33853	Baysmore, Junius A	John Crane-Houdaille, Inc.
2:11CV33870	Jackson, Eddie J	John Crane-Houdaille, Inc.

