

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. 12)

AND NOW, this 15th day of December, 2014, 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

---

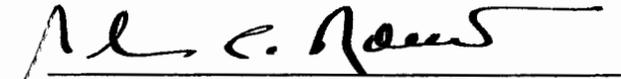
<sup>1</sup> On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory 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>
2:11-cv-31076-ER	SORACE et al v. FOSTER WHEELER COMPANY et al	94-10057
2:11-cv-31084-ER	THOMPSON et al v. A-C PRODUCT LIABILITY TRUST et al	95-10723
2:11-cv-31096-ER	VILLANUEVA et al v. FOSTER WHEELER COMPANY et al	94-11394
2:11-cv-31124-ER	OGURA v. A-C PRODUCT LIABILITY TRUST et al	97-14925
2:11-cv-31207-ER	FOSTER et al v. A-C PRODUCT LIABILITY TRUST et al	98-13623
2:11-cv-31214-ER	SIAROT v. A-C PRODUCT LIABILITY TRUST et al	98-12138
2:11-cv-31216-ER	O'DAY et al v. A-C PRODUCT LIABILITY TRUST et al	97-12307
2:11-cv-31300-ER	ROSARIO et al v. FOSTER WHEELER COMPANY et al	93-13632
2:11-cv-31499-ER	FRIED et al v. A-C PRODUCT LIABILITY TRUST et al	96-13793
2:11-cv-31500-ER	GABRIELSON et al v. A-C PRODUCT LIABILITY TRUST et al	96-15811
2:11-cv-31516-ER	GRANMO et al v. A-C PRODUCT LIABILITY TRUST et al	94-13370
2:11-cv-31547-ER	JOHNSON et al v. A-C PRODUCT LIABILITY TRUST et al	97-12275
2:11-cv-31560-ER	KOACHWAY et al v. A-C PRODUCT LIABILITY TRUST et al	01-10294
2:11-cv-31580-ER	LUDWIG et al v. A-C PRODUCT LIABILITY TRUST et al	97-14228
2:11-cv-31747-ER	HAMILTON et al v. A-C PRODUCT LIABILITY TRUST et al	97-11507
2:11-cv-31844-ER	VINCI et al v. A-C PROUDCT LIABILITY TRUST et al	96-11436
2:11-cv-31866-ER	MAAS, JR. et al v. A-C PRODUCT LIABILITY TRUST et al	95-12502
2:11-cv-31875-ER	BENEDICT et al v. A-C PRODUCT LIABILITY TRUST et al	96-14480
2:11-cv-31899-ER	GARRIGA et al v. A-C PRODUCT LIABILITY TRUST et al	98-12505
2:11-cv-31931-ER	VILLANUEVA et al v. A-C PRODUCT LIABILITY TRUST et al	96-11476
2:11-cv-31932-ER	ARMITAGE et al v. A-C PRODUCT LIABILITY TRUST et al	95-13843
2:11-cv-31944-ER	TAYLOR et al v. A-C PRODUCT LIABILITY TRUST et al	95-12861
2:11-cv-31948-ER	DIAZ-HERNANDEZ et al v. A-C PRODUCT LIABILITY TRUST et al	96-13386
2:11-cv-31953-ER	BRANCH v. A-C PRODUCT LIABILITY TRUST et al	96-13247
2:11-cv-32108-ER	JONES et al v. A-C PRODUCT LIABILITY TRUST et al	97-11589
2:11-cv-32109-ER	PELLICORI et al v. A-C PRODUCT LIABILITY TRUST et al	96-10705
2:11-cv-32146-ER	PRICE et al v. A-C PRODUCT LIABILITY TRUST et al	95-14915
2:11-cv-32148-ER	BAILEY v. A-C PRODUCT LIABILITY TRUST et al	96-12353
2:11-cv-32151-ER	HALPERN et al v. A-C PRODUCT LIABILITY TRUST et al	95-14570
2:11-cv-32198-ER	OVERSTREET et al v. A-C PRODUCT LIABILITY TRUST et al	96-10681
2:11-cv-32241-ER	TILLMON et al v. A-C PRODUCT LIABILITY TRUST et al	95-12369
2:11-cv-32245-ER	COLEMAN et al v. A-C PRODUCT LIABILITY TRUST et al	95-13548
2:11-cv-32248-ER	HAJKOWSKI et al v. A-C PRODUCT LIABILITY TRUST et al	95-12195
2:11-cv-32279-ER	DEAK et al v. A-C PRODUCT LIABILITY TRUST et al	95-13485
2:11-cv-32283-ER	AZIZ et al v. A-C PRODUCT LIABILITY TRUST et al	95-12475
2:11-cv-32325-ER	MAHONEY et al v. A-C PRODUCT LIABILITY TRUST et al	95-12640
2:11-cv-32338-ER	REID et al v. A-C PRODUCT LIABILITY TRUST et al	95-12573
2:11-cv-32351-ER	HEWITT v. A-C PRODUCT LIABILITY TRUST et al	95-14253
2:11-cv-32367-ER	MARKESON v. A-C PRODUCT LIABILITY TRUST et al	96-12226
2:11-cv-32511-ER	OBREGON-CALEZ v. A-C PRODUCT LIABILITY TRUST et al	95-14164
2:11-cv-32533-ER	DAMS, JR. et al v. A-C PRODUCT LIABILITY TRUST et al	95-13165
2:11-cv-32535-ER	LIVRAMENTO et al v. A-C PRODUCT LIABILITY TRUST et al	96-10519
2:11-cv-32576-ER	VAGIANOS et al v. A-C PRODUCT LIABILITY TRUST et al	95-11934

2:11-cv-32582-ER	DUNLAP et al v. A-C PRODUCT LIABILITY TRUST et al	96-12034
2:11-cv-32588-ER	HILL et al v. A-C PRODUCT LIABILITY TRUST et al	96-12577
2:11-cv-32602-ER	BARKOSKIE et al v. A-C PRODUCT LIABILITY TRUST et al	96-11312
2:11-cv-32605-ER	MOREHOUSE et al v. A-C PRODUCT LIABILITY TRUST et al	00-11201
2:11-cv-32627-ER	WILSON et al v. ACANDS, INC. et al	89-15644
2:11-cv-32636-ER	BUREAU et al v. CLEVELAND CLIFFS S.S. COMPANY et al	86-04283
2:11-cv-32661-ER	CASE et al v. A-C PRODUCT LIABILITY TRUST et al	95-14395

Exhibit B

Case Number	Plaintiff Name	Remand Defendant
2:11CV31076	Sorace, Luigi	Chesterton Co., A. W.
		United Fruit Company
2:11CV31084	Thompson, Harold L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		United Fruit Company
2:11CV31096	Villanueva, Octavio	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		United Fruit Company
2:11CV31124	Ogura, Denji	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Inter-Island Steam Navigation Co.
2:11CV31207	Foster, Joseph R	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31214	Siarot, Antonio	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31216	O'Day, David R	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV31300	Rosario Jr., Christobal	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31499	Fried, Curt F	Sun Oil Corp.
		Chesterton Co., A. W.
		Gatke Corporation
2:11CV31500	Gabrielson, Marvin G	General Refractories
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Kinsman Marine Transit Company
		Kinsman Transit Co. Inc.

Case Number	Plaintiff Name	Remand Defendant
2:11CV31516	Granmo, Trygve	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31547	Johnson, Leonard W	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Kinsman Lines Inc.
		Kinsman Marine Transit Company
2:11CV31560	Koachway, Allan E	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Great Lakes Towing Co.
		John Crane Inc.
2:11CV31580	Ludwig, John N	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31747	Hamilton, William J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV31844	Vinci, Paul	Barber Asphalt Corp.
		Chesterton Co., A. W.
		Ford Motor Company
		Gatke Corporation
		General Refractories
		GlenEagle Ship Management Co.
		United Fruit Company
2:11CV31866	Maas Jr., Henry J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV31875	Benedict, John	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31899	Garriga, James U	Amoco Shipping Co.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Trinidad Corporation

Case Number	Plaintiff Name	Remand Defendant
2:11CV31931	Villanueva, Juan R	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Mathiasen Tanker Ind. Inc.
2:11CV31932	Armitage, Dennis C	Chesterton Co., A. W.
		Chiquita Brands International, Inc.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		United Fruit Company
2:11CV31944	Taylor, James D	American Oil Co.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Pan American Petroleum and Transport Company
2:11CV31948	Diaz-Hernandez, Victor	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		United Fruit Company
2:11CV31953	Branch, Preston	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		United Fruit Company
2:11CV32108	Jones Sr., Allen	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32109	Pellicori, Frank G	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32146	Price, Richard W	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32148	Bailey, George W	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		United Fruit Company

Case Number	Plaintiff Name	Remand Defendant
2:11CV32151	Halpern, Morton	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		United Fruit Company
2:11CV32198	Overstreet, James D	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32241	Tillmon, Maceo	United Fruit Company
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32245	Coleman, John B	Amoco Shipping Co.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Moore McCormack Bulk Transport Inc.
2:11CV32248	Hajkowski, Thaddeus	Oswego Steamship Co.
		American Steamship Co.
		Amoco SS Company
		Chesterton Co., A. W.
		Ford Motor Company
		Gatke Corporation
		General Refractories
		New York & Cuba Mail S/S Co.
2:11CV32279	Deak, William F	Standard Oil Co. of Indiana
		BP Corporation N.A.
		Chesterton Co., A. W.
		Gatke Corporation
2:11CV32283	Aziz, Omar B	General Refractories
		Barber Asphalt Corp.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		United Fruit Company

Case Number	Plaintiff Name	Remand Defendant
2:11CV32325	Mahoney, Virgil L	BP Corporation N.A.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Mathiasen Tanker Ind. Inc.
		United Fruit Company
2:11CV32338	Reid, George H	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32351	Hewitt, Duane E	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32367	Markeson, Robert W	Chesterton Co., A. W.
		Cleveland Cliffs Iron Company
		Cleveland Cliffs S.S. Company
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32511	Obregon-Calez, Antonio	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32533	Dams Jr., Frederick H	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32535	Livramento, Arthur J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Oswego Steamship Co.
2:11CV32576	Vagianos, Demitrios	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV32582	Dunlap Jr., Tom C	Chesterton Co., A. W.
		Cosmopolitan Shipping Co., Inc.
		Gatke Corporation
		General Refractories
2:11CV32588	Hill, J. D	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Southport Steamship Corporation

Case Number	Plaintiff Name	Remand Defendant
2:11CV32602	Barkoskie, George I	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32605	Morehouse, William E	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		United Fruit Company
2:11CV32627	Wilson, Chester	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV32636	Bureau, Louis C	Chesterton Co., A. W.
		Cleveland Cliffs Iron Company
		Cleveland Cliffs S.S. Company
		Gatke Corporation
		General Refractories
2:11CV32661	Case Jr., Sam	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories