

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. 14)

AND NOW, this 16th 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.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.


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-33726-ER	DOMENECH et al v. ACANDS, INC. et al	89-10972
2:11-cv-33730-ER	MILLER v. ARUNDEL CORPORATION et al	87-01568
2:11-cv-33736-ER	CHEONG et al v. A-C PRODUCT LIABILITY TRUST et al	94-13578
2:11-cv-33737-ER	SANTO et al v. FOSTER WHEELER COMPANY et al	93-11769
2:11-cv-33741-ER	THOMAS v. FOSTER WHEELER COMPANY et al	94-11147
2:11-cv-33742-ER	DONIGER et al v. A-C PRODUCT LIABILITY TRUST et al	96-11097
2:11-cv-33755-ER	BAGIUT et al v. FOSTER WHEELER COMPANY et al	93-13530
2:11-cv-33756-ER	ROOT et al v. A-C PRODUCT LIABILITY TRUST et al	98-12670
2:11-cv-33759-ER	LASSITER et al v. AMERADA HESS CORP. et al	93-11160
2:11-cv-33768-ER	LENTZ v. A-C PRODUCT LIABILITY TRUST et al	00-10672
2:11-cv-33770-ER	BARTON v. A-C PRODUCT LIABILITY TRUST et al	97-11080
2:11-cv-33771-ER	COLAIANNI et al v. A-C PRODUCT LIABILITY TRUST et al	95-14760
2:11-cv-33772-ER	OWEN et al v. A-C PRODUCT LIABILITY TRUST et al	96-10222
2:11-cv-33775-ER	CAPESTANI et al v. AMERICAN EXPORT LINES, INC. et al	93-12581
2:11-cv-33777-ER	DIAZ et al v. AMERICAN EXPORT ISBRANDTSEN et al	93-12250
2:11-cv-33782-ER	RODRIGUES et al v. ACANDS, INC. et al	90-10692
2:11-cv-33784-ER	BENITEZ et al v. A-C PRODUCT LIABILITY TRUST	95-11879
2:11-cv-33785-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-10077
2:11-cv-33786-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	97-14092
2:11-cv-33790-ER	MATTHEWS v. A-C PRODUCT LIABILITY TRUST et al	96-15009
2:11-cv-33813-ER	PARKER et al v. A-C PRODUCT LIABILITY TRUST et al	94-13816
2:11-cv-33816-ER	MCCOTTER v. A-C PRODUCT LIABILITY TRUST et al	98-13452
2:11-cv-33819-ER	NOTINE et al v. FOSTER WHEELER COMPANY et al	94-10698
2:11-cv-33820-ER	MEDINA et al v. A-C PRODUCT LIABILITY TRUST et al	95-14090
2:11-cv-33822-ER	GENNINGER v. A-C PRODUCT LIABILITY TRUST et al	96-12173
2:11-cv-33823-ER	SCHMIDHAUSLER et al v. A-C PRODUCT LIABILITY TRUST et al	95-13544
2:11-cv-33831-ER	HARRIS v. ACANDS, INC. et al	90-10477
2:11-cv-33839-ER	HENDERSON et al v. BATTERY STEAMSHIP CORP. et al	93-10655
2:11-cv-33855-ER	REDMON et al v. FOSTER WHEELER COMPANY et al	93-13702
2:11-cv-33860-ER	HURLEY et al v. ACANDS, INC. et al	90-10858
2:11-cv-33866-ER	BUTLER et al v. FOSTER WHEELER COMPANY et al	93-13824
2:11-cv-33868-ER	FLOWERS v. AMERICAN PRESIDENT LINES LTD. et al	93-11866
2:11-cv-33938-ER	JONES v. A-C PRODUCT LIABILITY TRUST et al	96-12677
2:11-cv-33942-ER	WALKER et al v. A-C PRODUCT LIABILITY TRUST et al	95-11798
2:11-cv-33950-ER	BARTEL v. APEX MARINE CORP., Et. Al.	96-11065
2:11-cv-36547-ER	ALLEN v. A-C PRODUCT LIABILITY TRUST	96-14161
2:11-cv-38115-ER	DIAZ v. A-C PRODUCT LIABILITY TRUST	00-10179
2:11-cv-43208-ER	TEDMORE v. A-C PRODUCT LIABILITY TRUST	00-10126
2:11-cv-44004-ER	RHODES v. A-C PRODUCT LIABILITY TRUST	95-12098
2:11-cv-55758-ER	HUGHES et al v. A-C PRODUCT LIABILITY TRUST	95-12841
2:11-cv-55759-ER	SMITH v. A-C PRODUCT LIABILITY TRUST	95-12862
2:11-cv-56004-ER	ODON v. A-C PRODUCT LIABILITY TRUST	95-11955
2:11-cv-56555-ER	MILLER v. A-C PRODUCT LIABILITY TRUST	96-14452
2:11-cv-56597-ER	MILLER v. A-C PRODUCT LIABILITY TRUST	96-14750

2:11-cv-56598-ER	MILLER v. A-C PRODUCT LIABILITY TRUST	96-14751
2:11-cv-56766-ER	AUDAIN v. A-C PRODUCT LIABILITY TRUST	96-12790
2:11-cv-56806-ER	PEREZ v. A-C PRODUCT LIABILITY TRUST	95-11103
2:11-cv-57135-ER	MILLER v. A-C PRODUCT LIABILITY TRUST	98-13977
2:11-cv-58392-ER	BROWN v. A-C PRODUCT LIABILITY TRUST	94-14006
2:11-cv-58475-ER	WHEELER et al v. FOSTER WHEELER COMPANY	94-11009

Exhibit B

Case Number	Plaintiff Name	Remand Defendant
2:11CV33726	Domenech, Rafael	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33730	Brown, Olen P	Diamond Construction Co.
		Frederick Snare Corp.
		Pete Kiewits Sons Co.
2:11CV33736	Cheong, Hee	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV33737	Santo, Anthony	Gatke Corporation
		John Crane-Houdaille, Inc.
2:11CV33741	Thomas, Eugene S	Chesterton Co., A. W.
		Farrell Lines Inc.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33742	Doniger, Jacob L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33755	Bagut, Ramon G	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33756	Root, Paul	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Moore McCormack Bulk Transport Inc.
		Mormac Marine Transport, Inc.
2:11CV33759	Lassiter, Louis	Gatke Corporation
		John Crane-Houdaille, Inc.
2:11CV33768	Lentz, Raymond J	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV33770	Barton, John J	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.

Case Number	Plaintiff Name	Remand Defendant
2:11CV33771	Colaianni, Angelo L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		Penn Central Railroad
		Pennsylvania Railroad Co.
2:11CV33772	Owen, Robert M	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33775	Capestani, Rolando	American Oil Co.
		Amoco Shipping Co.
		BP Corporation N.A.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Moore McCormack Bulk Transport Inc.
		Pan American Petroleum and Transport Company
		United Fruit Company
2:11CV33777	Diaz, Benigno	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane-Houdaille, Inc.
2:11CV33782	Rodriguez Diaz, Manuel E	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33784	Benitez, Gumersindo	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33785	Bernstein, Hyman	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33786	Booker, Robert C	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33790	Matthews, John L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33813	Parker, Joseph C	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		New York & Cuba Mail S/S Co.
2:11CV33816	McCotter Jr., John J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories

Case Number	Plaintiff Name	Remand Defendant
2:11CV33819	Notine Jr., Robert G	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV33820	Medina, Luis A	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33822	Genninger, Gilbert	General Refractories
		Chesterton Co., A. W.
2:11CV33823	Schmidhausler, Andrew	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33831	Harris, Sr., Thomas C	Chesterton Co., A. W.
		Cosmopolitan Steamship Co.
		Gatke Corporation
		General Refractories
2:11CV33839	Henderson, Earl C	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV33855	Redmon, Arvin L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Mormac Marine Transport, Inc.
2:11CV33860	Hurley, Joseph D	Chesterton Co., A. W.
2:11CV33866	Butler, Edward	Chesterton Co., A. W.
2:11CV33868	Flowers, Charles B	Gatke Corporation
		John Crane-Houdaille, Inc.
2:11CV33938	Jones, Robert	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV33942	Walker, William	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Kinsman Lines Inc.
2:11CV33950	Barber, George Paul	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV36547	Allen, Burton	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.

Case Number	Plaintiff Name	Remand Defendant
2:11CV38115	Diaz, Angel A	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV43208	Tedmore, Antoine I	Alpine Steamship Company
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV44004	Rhodes, Charley W	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV55758	Hughes, Elmo	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV55759	Smith, Clinton R	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV56004	Odon, Celestino A	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Moore McCormack Bulk Transport Inc.
		Mormac Marine Transport, Inc.
2:11CV56555	Cooney, John W	General Refractories
		Chesterton Co., A. W.
2:11CV56597	Bray, Harvey	General Refractories
		Chesterton Co., A. W.
2:11CV56598	Mills, Sr., Stuart K	General Refractories
		Chesterton Co., A. W.
2:11CV56766	Audain, Mitchell	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV56806	Perez, Heriberto	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV57135	Oder, Edwin	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV58392	Brown, Earl L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV58475	Wheeler, Alfred W	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.