

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 **FILED** Transferred from the Northern
District of Ohio
v. **DEC 09 2014**
VARIOUS DEFENDANTS **MICHAEL E. KUNZ, Clerk** Certain "MARDOC" cases listed
By _____, Dep. Clerk in Exhibit "A," attached

MARDOC SUGGESTION OF REMAND (No. 8)

AND NOW, this 9th 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

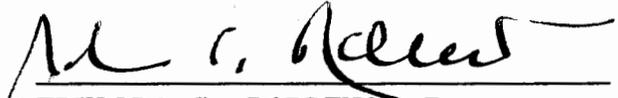
¹ On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory claims over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

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-31746-ER	BARTEL (BOOTH) v. A-C PRODUCT LAIBILITY TRUST et al	96-12952
2:11-cv-31751-ER	ABUGAN v. A-C PRODUCT LIABILITY TRUST et al	00-11021
2:11-cv-31752-ER	KELLY et al v. A-C PRODUCT LIABILITY TRUST et al	97-13454
2:11-cv-31755-ER	ABARE et al v. A-C PRODUCT LIABILITY TRUST et al	98-11630
2:11-cv-31756-ER	LENNERTZ et al v. A-C PRODUCT LIABILITY TRUST et al	98-13457
2:11-cv-31761-ER	FENCER v. A-C PRODUCT LIABILITY TRUST et al	99-12144
2:11-cv-31762-ER	FREE v. A-C PRODUCT LIABILITY TRUST et al	99-10676
2:11-cv-31764-ER	GUEVARRA v. A-C PRODUCT LIABILITY TRUST et al	00-11208
2:11-cv-31765-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	96-14577
2:11-cv-31766-ER	TURNER v. A-C PRODUCT LIABILITY TRUST et al	98-11147
2:11-cv-31768-ER	ALVAREZ v. A-C PRODUCT LIABILITY TRUST et al	99-10707
2:11-cv-31769-ER	SOMERA v. A-C PRODUCT LIABILITY TRUST et al	00-11231
2:11-cv-31777-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-10189
2:11-cv-31778-ER	CANONIZADO v. A-C PRODUCT LIABILITY TRUST et al	00-11646
2:11-cv-31780-ER	MANUEL v. A-C PRODUCT LIABILITY TRUST et al	99-10309
2:11-cv-31781-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-14585
2:11-cv-31786-ER	YOUSSEF v. A-C PRODUCT LIABILITY TRUST et al	97-10911
2:11-cv-31791-ER	COSTA et al v. A-C PRODUCT LIABILITY TRUST et al	98-10401
2:11-cv-31801-ER	LEMOS et al v. A-C PRODUCT LIABILTY TRUST et al	97-11916
2:11-cv-31812-ER	RODRIGUEZ v. A-C PRODUCT LIABILITY TRUST et al	95-10999
2:11-cv-31826-ER	COHEN et al v. A-C PRODUCT LIABILITY TRUST et al	96-12006
2:11-cv-31856-ER	MARTINEZ et al v. FIBREBOARD CORPORATION et al	95-12853
2:11-cv-31860-ER	LOPEZ et al v. FIBREBOARD CORPORATION et al	96-14080
2:11-cv-31867-ER	HANLY et al v. A-C PRODUCT LIABILITY TRUST et al	95-13407
2:11-cv-31870-ER	GONSALVES et al v. A-C PRODUCT LIABILITY TRUST et al	96-12579
2:11-cv-31884-ER	HAINER et al v. A-C PRODUCT LIABILITY TRUST et al	96-12940
2:11-cv-31889-ER	VANLOO v. AC PRODUCT LIABILITY TRUST et al	95-12839
2:11-cv-31890-ER	BELT et al v. A-C PRODUCT LIABILITY TRUST et al	95-13054
2:11-cv-31918-ER	ROGERS et al v. A-C PRODUCT LIABILITY TRUST et al	95-12484
2:11-cv-31923-ER	LACAYO et al v. A-C PRODUCT LIABILITY TRUST et al	95-11210
2:11-cv-31933-ER	SISTO et al v. A-C PRODUCT LIABILITY TRUST et al	96-12107
2:11-cv-31936-ER	DUNN et al v. A-C PRODUCT LIABILITY TRUST et al	96-13259
2:11-cv-31938-ER	HOWELL et al v. A-C PRODUCT LIABILITY TRUST et al	95-10849
2:11-cv-31939-ER	BULLWINKEL v. A-C PRODUCT LIABILITY TRUST et al	95-15063
2:11-cv-31965-ER	KIRKER v. A-C PRODUCT LIABILITY TRUST et al	97-10145
2:11-cv-31969-ER	PONCE et al v. A-C PRODUCT LIABILITY TRUST et al	96-15413
2:11-cv-31979-ER	JACKSON v. A-C PRODUCT LIABILITY TRUST et al	97-10629
2:11-cv-31994-ER	MORALES v. A-C PRODUCT LIABILITY TRUST et al	98-12378
2:11-cv-31995-ER	RIGGINS v. A-C PRODUCT LIABILITY TRUST et al	97-12351
2:11-cv-32004-ER	SANTOS v. A-C PRODUCT LIABILITY TRUST et al	96-15594
2:11-cv-32023-ER	MASSIAH v. A-C PRODUCT LIABILITY TRUST	97-13119
2:11-cv-32066-ER	ORTIZ et al v. A-C PRODUCT LIABILITY TRUST	96-15154
2:11-cv-32076-ER	MORAN v. A-C PRODUCT LIABILITY TRUST et al	96-12570

2:11-cv-32079-ER	FOSTER et al v. A-C PRODUCT LIABILITY TRUST et al	96-10069
2:11-cv-32081-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	97-11037
2:11-cv-32090-ER	KIBSGAARD et al v. A-C PRODUCT LIABILITY TRUST et al	96-12532
2:11-cv-32103-ER	BUCKEL v. A-C PRODUCT LIABILITY TRUST et al	95-13015
2:11-cv-32105-ER	SELLERS et al v. A-C PRODUCT LIABILITY TRUST et al	95-14236
2:11-cv-32107-ER	GIRONA et al v. A-C PRODUCT LIABILITY TRUST et al	95-11368
2:11-cv-32113-ER	RAMSEY et al v. A-C PRODUCT LIABILITY TRUST et al	96-11309

Exhibit B

CIV	NAME	Defendant
2:11CV31746	Booth, James D	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31751	Abugan, Rolyn F	Gatke Corporation
		General Refractories
2:11CV31752	Kelly, Albert B	Gatke Corporation
		General Refractories
2:11CV31755	Abare, John J	Gatke Corporation
		General Refractories
2:11CV31756	Lennertz, Frederick T	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV31761	Fencer, Maurice T	Gatke Corporation
		General Refractories
2:11CV31762	Free, Bobby J	Gatke Corporation
		General Refractories
2:11CV31764	Guevarra, Paterno S	Gatke Corporation
		General Refractories
2:11CV31765	Cahee, Alvera J	Gatke Corporation
		General Refractories
2:11CV31766	Turner, Donnie S	Gatke Corporation
		General Refractories
2:11CV31768	Alvarez, Victorino R	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV31769	Somera, William A	Gatke Corporation
		General Refractories
2:11CV31777	Morgan, Robert L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV31778	Canonizado, Antonio B	Gatke Corporation
		General Refractories
2:11CV31780	Manuel, Jasper J	Gatke Corporation
		General Refractories
2:11CV31781	Piekarski, Felix J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories

CIV	NAME	Defendant
2:11CV31786	Youssef, Aziz A	Gatke Corporation
		General Refractories
		John Crane Inc.
		West Coast Shipping Company
2:11CV31791	Costa, Richard	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31801	Lemos, Lyle W	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31812	Rodriguez, William	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31826	Cohen, Paul	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV31856	Martinez, Ixtayul	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31860	Lopez, Augustine A	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31867	Hanly, Richard C	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		J. J. Tennant Co. Oregon
		John Crane Inc.
2:11CV31870	Gonsalves, Peter	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.

CIV	NAME	Defendant
2:11CV31884	Hainer, Gerald P	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31889	VanLoo, William C	John Crane Inc.
		Chesterton Co., A. W.
		Farrell Lines Inc.
		Gatke Corporation
		General Refractories
		IMO Industries, Inc.
2:11CV31890	Belt, Robert W	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31918	Rogers, Eddie L	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31923	Lacayo, Isidoro M	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31933	Sisto, William A	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31936	Dunn, John D	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31938	Howell, Robert F	Alabama Dry Dock
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		GlenEagle Ship Management Co.
		John Crane Inc.
2:11CV31939	Bullwinkel, Edward W	Gatke Corporation
		General Refractories
		John Crane Inc.

CIV	NAME	Defendant
2:11CV31965	Kirker, Thomas R	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31969	Ponce, Ramon C	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31979	Jackson, George N	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Mormac Marine Transport, Inc.
2:11CV31994	Morales, Gudberto N	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31995	Riggins, David E	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32004	Santos, Benigno	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32023	Massiah, Ezekiel	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Moore McCormack Bulk Transport Inc.
2:11CV32066	Ortiz, Jose A	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32076	Moran, Matthew R	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32079	Foster, Stephen H	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Watter's Marine Inc.

CIV	NAME	Defendant
2:11CV32081	Jordan, Charles E	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32090	Kibsgaard, William G	Gatke Corporation
		General Refractories
2:11CV32103	Buckel, John J	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32105	Sellers, James R	Gatke Corporation
		General Refractories
2:11CV32107	Girona, Jose	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV32113	Ramsey, Wendell R	Gatke Corporation
		General Refractories