

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

v.

VARIOUS DEFENDANTS

FILED

JAN 14 2015

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

Transferred from the Northern
District of Ohio

Contain "MARDOC" cases listed
in Exhibit "A," attached

MARDOC SUGGESTION OF REMAND (No. 15)

AND NOW, this 14th day of January, 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.



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
2:09-cv-30270-ER	VETSIKAS v. A-C PRODUCT LIABILITY TRUST et al	00-12258
2:09-cv-91137-ER	BARTEL (CLEMENTS) et al v. A-C PRODUCT LIABILITY TRUST et al	05-10013
2:09-cv-91139-ER	BARTEL (DICKERSON) et al v. A-C PRODUCT LIABILITY TRUST et al	05-10015
2:09-cv-91157-ER	BARTEL (FRASER) et al v. A-C PRODUCT LIABILITY TRUST et al	06-10004
2:09-cv-91173-ER	PEEBLES (GARZIO) v. BARTEL et al	07-10008
2:09-cv-91200-ER	PEEBLES (O'HARA) et al v. A-C PRODUCT LIABILITY TRUST et al	08-10007
2:10-cv-30028-ER	PERNA v. A-C PRODUCT LIABILITY TRUST et al	01-10619
2:10-cv-30036-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	01-10627
2:10-cv-30040-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	01-10631
2:10-cv-30044-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	01-10635
2:10-cv-30068-ER	PARRISH v. A-C PRODUCT LIABILITY TRUST et al	01-10659
2:10-cv-30168-ER	BARTEL (ANDERSON) et al v. A-C PRODUCT LIABILITY TRUST et al	01-11135
2:10-cv-30186-ER	BARTEL et al v. A-C PRODUCT LIABILITY TRUST et al	01-11153
2:10-cv-30191-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	01-11158
2:10-cv-30198-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	02-10000
2:10-cv-30207-ER	AMMAR v. A-C PRODUCT LIABILITY TRUST et al	02-10009
2:10-cv-30212-ER	BARTEL (MCLEAN) et al v. A-C PRODUCT LIABILITY TRUST et al	02-10014
2:10-cv-30246-ER	DIXON v. A-C PRODUCT LIABILITY TRUST et al	02-10048
2:10-cv-30281-ER	LALONDE v. A-C PRODUCT LIABILITY TRUST et al	02-10083
2:10-cv-30602-ER	MAXIMO v. A-C PRODUCT LIABILITY TRUST et al	01-10972
2:10-cv-30663-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	01-10845
2:10-cv-30779-ER	YAHYA v. A-C PRODUCT LIABILITY TRUST et al	02-10221
2:10-cv-30916-ER	BARTEL v. PEEBLES et al	02-10238
2:10-cv-37497-ER	BARTEL (JONES) et al v. A-C PRODUCT LIABILITY TRUST et al	97-11215
2:10-cv-37528-ER	BARTEL (MURRAY) et al v. A-C PRODUCT LIABILITY TRUST et al	95-14694
2:10-cv-52329-ER	BOLTON v. A-C PRODUCT LIABILITY TRUST	96-11438
2:10-cv-53372-ER	DAVIS v. A-C PRODUCT LIABILITY TRUST	98-13462
2:10-cv-60194-ER	ZUPPE v. ALASKA BARGE & TRANSPORT et al	03-10002
2:11-cv-30066-ER	DAVIS v. A-C PRODUCT LIABILITY TRUST	99-12018
2:11-cv-30070-ER	ABDULLA et al v. A-C PRODUCT LIABILITY TRUST et al	00-10411
2:11-cv-30081-ER	ALCANTARA v. A-C PRODUCT LIABILITY TRUST et al	00-10978
2:11-cv-30082-ER	ALEXANDER et al v. A-C PRODUCT LIABILITY TRUST et al	99-10348
2:11-cv-30088-ER	ALLEN v. A-C PRODUCT LIABILITY TRUST et al	98-10331
2:11-cv-30102-ER	ARACRI v. A-C PRODUCT LIABILITY TRUST et al.	99-12032
2:11-cv-30114-ER	BAKER et al v. A-C PRODUCT LIABILITY TRUST et al	00-10930
2:11-cv-30116-ER	BAKER v. A-C PRODUCT LIABILITY TRUST et al	98-13317
2:11-cv-30118-ER	AZULAY et al v. A-C PRODUCT LIABILITY TRUST et al	97-11862
2:11-cv-30119-ER	BALTUSKONIS v. FOSTER WHEELER COMPANY et al	94-12866
2:11-cv-30124-ER	BARINA et al v. A-C PRODUCT LIABILITY TRUST et al	94-15151
2:11-cv-30131-ER	BATISTA et al v. A-C PRODUCT LIABILITY TRUST et al	97-12054
2:11-cv-30132-ER	BATURA v. A-C PRODUCT LIABILITY TRUST et al	98-12433
2:11-cv-30135-ER	BECKENDORF et al v. A-C PRODUCT LIABILITY TRUST et al	99-12737
2:11-cv-30144-ER	BERMUDEZ et al v. FOSTER WHEELER COMPANY et al	93-13119
2:11-cv-30145-ER	BERNARD et al v. A-C PRODUCT LIABILITY TRUST et al	00-10818

2:11-cv-30155-ER	BLACKBURN v. A-C PRODUCT LIABILITY TRUST	99-10134
2:11-cv-30157-ER	BLAKE v. A-C PRODUCT LIABILITY TRUST	96-14677
2:11-cv-30161-ER	BODDEN v. A-C PRODUCT LIABILITY TRUST et al	97-12299
2:11-cv-30163-ER	BONNER v. A-C PRODUCT LIABILITY TRUST et al	99-12566
2:11-cv-30165-ER	BOOKER v. A-C PRODUCT LIABILITY TRUST et al	95-10259
2:11-cv-30167-ER	BORDERS v. A-C PRODUCT LIABILITY TRUST	98-11526

EXHIBIT B

Civil Action No.	Name	Remand Defendant
2:09CV30270	Vetsikas, Dimitrios	Mobil Oil Corporation
		Arco Marine Inc.
		Atlantic Richfield Co.
		Arco Transportation
		Arco
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:09CV91137	Clements, Joseph A	American Export Lines Inc.
		Trinidad Corporation
		United Fruit Company
		Miss. Valley Barge Line Co.
		New York & Cuba Mail S/S Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:09CV91139	Dickerson, Paul S	Standard Oil Co. of New Jersey
		Socony Vacuum Oil Company
		Barber Asphalt Corp.
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:09CV91157	Fraser, Colin C	Gatke Corporation
		General Refractories
2:09CV91173	Garzio, Louis F	Pan American Petroleum
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:09CV91200	O'Hara, Dale	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
		Chesterton Co., A. W.

Civil Action No.	Name	Remand Defendant
2:10CV30028	Perna, Joseph C	Arco Marine Inc.
		Atlantic Richfield Co.
		Arco Transportation
		Arco
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30036	Edwards, Charles R	Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30040	Buckland, John	Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30044	Parker, Mendal B	Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30068	Parrish, Garold L	Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30168	Anderson, Randell	Amoco Oil Co.
		Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30186	Eason, James H	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:10CV30191	Woods, Joe	Gatke Corporation
		General Refractories
2:10CV30198	Yow, Clarence E	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:10CV30207	Ammar, Garry	J. J. Tennant Co. Oregon
		Gatke Corporation
		General Refractories
2:10CV30212	McLean, Gerald R	Gatke Corporation
		General Refractories

Civil Action No.	Name	Remand Defendant
2:10CV30246	Dixon, Ovelin M	Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30281	LaLonde, Clair G	Gatke Corporation
		General Refractories
2:10CV30602	Maximo, Carlos G	Gatke Corporation
		General Refractories
2:10CV30663	Freidenbloom, John P	Gatke Corporation
		General Refractories
2:10CV30779	Yahya, Abdo M	American Steamship Co.
		Reiss Steamship Company
		Bell Steamship Company
		Armstrong Steamship Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV30916	Egan, Charles W	Augusta Towing Co. Inc.
		Gatke Corporation
		General Refractories
2:10CV37497	Jones, Henry A	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV37528	Murray, George E	Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV52329	Bolton Jr., Willie	Amoco Shipping Co.
		Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:10CV53372	Davis, David	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:10CV60194	Zuppe, Thomas A	United Fruit Company
		Barber Asphalt Corp.
		John Crane Inc.
		General Refractories
		IMO Industries, Inc.
		Chesterton Co., A. W.
2:11CV30066	Davis, Fred L	Gatke Corporation
		General Refractories
2:11CV30070	Abdulla, Fadel M	Gatke Corporation
		John Crane Inc.
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30081	Alcantara, Peter D	Gatke Corporation
		General Refractories
2:11CV30082	Alexander, George E	Gatke Corporation
		General Refractories
2:11CV30088	Allen, Willie J	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30102	Aracri, Anthony R	Farrell Lines Inc.
		American Export Isbrandtsen
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		General Refractories
2:11CV30114	Baker, Bruce M	United Fruit Company
		Gatke Corporation
		General Refractories
2:11CV30116	Baker, Kenneth	Natco Company
		North American Trailing Co.
		Natco Limited Partners Lines
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30118	Azulay, William D	Amoco Shipping Co.
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		General Refractories
2:11CV30119	Baltuskonis, Thomas	Gatke Corporation
		General Refractories
2:11CV30124	Reyes Barina, Carmelo	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30131	Batista, Jose W	Moore McCormack Bulk Transport Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30132	Batura, Francis	Arco Marine Inc.
		Sun Oil Corp.
		Atlantic Richfield Co.
		Arco Transportation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30135	Beckendorf, Charles J	Standard Oil Co. of Indiana
		Barber Asphalt Corp.
		Gatke Corporation
		General Refractories
2:11CV30144	Bermudez, Ulises	Pan American Petroleum and Transport Company
		Amoco SS Company
		BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30145	Bernard, George N	American Steamship Co.
		Gatke Corporation
		General Refractories
2:11CV30155	Blackburn, Edward H	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30157	Blake Jr., Albert J	Amoco Shipping Co.
		American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30161	Bodden, Nelson M	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30163	Bonner, James R	Gatke Corporation
		General Refractories
2:11CV30165	Booker, Willie	Trinidad Corporation
		Amoco Shipping Co.
		Gatke Corporation
		General Refractories
2:11CV30167	Borders, Michael	Gatke Corporation
		General Refractories