

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 15 2015

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_, Dep. Clerk

Transferred from the Northern  
District of Ohio

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

MARDOC SUGGESTION OF REMAND (No. 16)

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.<sup>1</sup>

Accordingly, the Court **SUGGESTS** that the cases listed in Exhibit "A," attached, be **REMANDED** to the United States

---

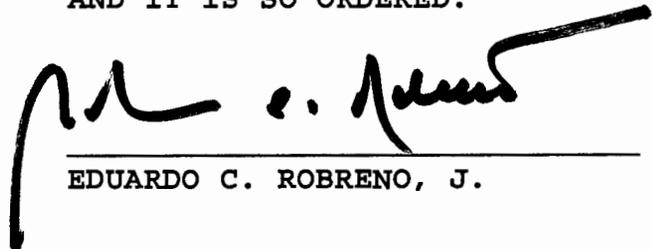
<sup>1</sup> On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory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

<b>PA-E Case Number</b>	<b>Caption</b>	<b>OH-N Case Number</b>
2:11-cv-30168-ER	BOSCH v. A-C PRODUCT LIABILITY TRUST et al	98-10126
2:11-cv-30172-ER	BRACKEN v. A-C PRODUCT LIABILITY TRUST et al	94-13010
2:11-cv-30173-ER	BRADLEY et al v. FOSTER WHEELER COMPANY et al	94-12836
2:11-cv-30175-ER	BRASBY et al v. A-C PRODUCT LIABILITY TRUST et al	98-14512
2:11-cv-30176-ER	BRASS et al v. FOSTER WHEELER COMPANY et al	94-11351
2:11-cv-30178-ER	BREFFE et al v. FOSTER WHEELER COMPANY et al	94-12131
2:11-cv-30181-ER	BRODDIE et al v. FOSTER WHEELER COMPANY et al	94-12694
2:11-cv-30183-ER	BROOKS et al v. A-C PRODUCT LIABILITY TRUST et al	99-10522
2:11-cv-30184-ER	BROUSSARD et al v. A-C PRODUCT LIABILITY TRUST et al	00-10757
2:11-cv-30191-ER	BUGARIN et al v. A-C PRODUCT LIABILITY TRUST et al	99-10179
2:11-cv-30194-ER	BURA v. A-C PRODUCT LIABILITY TRUST et al	99-10659
2:11-cv-30196-ER	BURILLO et al v. A-C PRODUCT LIABILITY TRUST et al	96-12710
2:11-cv-30199-ER	BUTNER v. A-C PRODUCT LIABILITY TRUST et al	98-14592
2:11-cv-30202-ER	CALDER et al v. A-C PRODUCT LIABILITY TRUST et al	98-10635
2:11-cv-30203-ER	CALDERON v. FOSTER WHEELER COMPANY et al	94-12707
2:11-cv-30206-ER	CALLAHAN v. A-C PRODUCT LIABILITY TRUST et al	99-10058
2:11-cv-30211-ER	CAMPAGNOLO v. A-C PRODUCT LIABILITY TRUST et al	98-14943
2:11-cv-30222-ER	BARTEL(CASTRO) et al v. FOSTER WHEELER COMPANY et al	94-10369
2:11-cv-30234-ER	CLOW et al v. A-C PRODUCT LIABILITY TRUST et al	00-10217
2:11-cv-30239-ER	COLEMAN v. A-C PRODUCT LIABILITY TRUST et al	00-10001
2:11-cv-30243-ER	COMEAX v. A-C PRODUCT LIABILITY TRUST et al	98-13270
2:11-cv-30245-ER	FARRINGTON v. A-C PRODUCT LIABILITY TRUST et al	99-12775
2:11-cv-30248-ER	FELKER et al v. FOSTER WHEELER COMPANY et al	94-12109
2:11-cv-30268-ER	FORTENBERRY v. A-C PRODUCT LIABILITY TRUST et al	00-10696
2:11-cv-30271-ER	FRANK et al v. A-C PRODUCT LIABILITY TRUST et al	94-14106
2:11-cv-30272-ER	FRANK et al v. A-C PRODUCT LIABILITY TRUST et al	94-13326
2:11-cv-30273-ER	FRANKLIN, SR v. A-C PRODUCT LIABILITY TRUST et al	98-20008
2:11-cv-30283-ER	GALLEGOS et al v. A-C PRODUCT LIABILITY TRUST et al	95-10434
2:11-cv-30289-ER	GARCIA et al v. A-C PRODUCT LIABILITY TRUST et al	96-13559
2:11-cv-30294-ER	GASTINELL et al v. FOSTER WHEELER COMPANY et al	93-13140
2:11-cv-30295-ER	GAUDETTE et al v. A-C PRODUCT LIABILITY TRUST et al	99-13078
2:11-cv-30296-ER	GAUTNEY et al v. A-C PRODUCT LIABILITY TRUST et al	00-10686
2:11-cv-30297-ER	GAY et al v. A-C PRODUCT LIABILITY TRUST et al	96-11644
2:11-cv-30301-ER	COOPER v. A-C PRODUCT LIABILITY TRUST et al	99-11986
2:11-cv-30312-ER	COX et al v. A-C PRODUCT LIABILITY TRUST et al	00-10772
2:11-cv-30322-ER	CUTTING et al v. A-C PRODUCT LIABILITY TRUST et al	96-13151
2:11-cv-30331-ER	DAVID et al v. A-C PRODUCT LIABILITY TRUST et al	96-15497
2:11-cv-30335-ER	DAVIS et al v. FOSTER WHEELER COMPANY et al	94-11969
2:11-cv-30338-ER	DAVIS v. A-C PRODUCT LIABILITY TRUST et al	99-12296
2:11-cv-30344-ER	DEGRUY, SR. v. FOSTER WHEELER COMPANY et al	94-11687
2:11-cv-30351-ER	DENNIS et al v. A-C PRODUCT LIABILITY TRUST et al	94-13745
2:11-cv-30355-ER	DISTELRATH et al V A-C PRODUCT LIABILITY TRUST ET AL	94-13646
2:11-cv-30356-ER	DIXON et al V A-C PRODUCT LIABILITY TRUST ET AL	98-10770

2:11-cv-30364-ER	DROZ v. A-C PRODUCT LIABILITY TRUST et al	98-11094
2:11-cv-30368-ER	GERRETS v. A-C PRODUCT LIABILITY TRUST et al	98-10009
2:11-cv-30369-ER	GOLDSBURY et al v. A-C PRODUCT LIABILITY TRUST et al	97-12772
2:11-cv-30372-ER	GONZALES et al v. A-C PRODUCT LIABILITY TRUST et al	95-10394
2:11-cv-30374-ER	GOODING et al v. A-C PRODUCT LIABILITY TRUST et al	98-13583
2:11-cv-30376-ER	GOODRUM v. A-C PRODUCT LIABILITY TRUST et al	99-12328
2:11-cv-30388-ER	BARTEL (GRIFFIN) et al v. FOSTER WHEELER COMPANY et al	93-10949

**EXHIBIT B**

Civil Action No.	Name	Remand Defendant
2:11CV30168	Bosch, Francisco	Gatke Corporation General Refractories
2:11CV30172	Bracken, Joseph P	Gatke Corporation General Refractories
2:11CV30173	Bradley, Ervin	Gatke Corporation John Crane Inc. General Refractories
2:11CV30175	Brasby, William H	Gatke Corporation John Crane Inc. General Refractories
2:11CV30176	Brass, Daniel A	Gatke Corporation General Refractories
2:11CV30178	Breffé, Israel	United Fruit Company Pan American Petroleum and Transport Company New York & Cuba Mail S/S Co. Union Carbide & Carbon Corp. Gatke Corporation John Crane Inc. General Refractories
2:11CV30181	Broddie, John E	Amoco Shipping Co. Gatke Corporation General Refractories
2:11CV30183	Brooks, Norman	Gatke Corporation General Refractories
2:11CV30184	Broussard, Moses	Gatke Corporation General Refractories Chesterton Co., A. W.
2:11CV30191	Bugarin, Benjamin	Gatke Corporation General Refractories Chesterton Co., A. W.
2:11CV30194	Bura, Jr., Macario A	Gatke Corporation General Refractories
2:11CV30196	Burillo, Pedro B	Gatke Corporation General Refractories
2:11CV30199	Butner, Jr., Charles W	Gatke Corporation General Refractories
2:11CV30202	Calder, Donald G	Western Tankers Company Gatke Corporation John Crane Inc. General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30203	Calderon, Fe Domingo R	Gatke Corporation
		General Refractories
2:11CV30206	Callahan, Ronald L	American Steamship Co.
		Cleveland Tankers Inc.
		Ford Motor Company
		Reiss Steamship Company
		United Fruit Company
		American Oil Co.
		Gartland Steamship Co.
		Cleveland Cliffs Iron Company
		Amersand Steamship Company
		Sand Products Corp.
		Standard Oil Co. of Indiana
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30211	Campagnolo, Elio S	Gatke Corporation
		General Refractories
2:11CV30222	Castro Jr., Ambrosio	United Fruit Company
2:11CV30234	Clow, David R	Kinsman Marine Transit Company
		Gatke Corporation
		General Refractories
2:11CV30239	Coleman, Leverage H	United Fruit Company
		Gatke Corporation
		General Refractories
2:11CV30243	Comeaux, Samuel	Gatke Corporation
		General Refractories
2:11CV30245	Farrington, Laurie I	Amoco Shipping Co.
		Gatke Corporation
		General Refractories
2:11CV30248	Felker, Edwin M	Gatke Corporation
		General Refractories
2:11CV30268	Fortenberry, Willie	Gatke Corporation
		General Refractories
2:11CV30271	Frank, Aaron	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30272	Frank, Wilfred	Amoco Shipping Co.
		Gatke Corporation
		General Refractories
2:11CV30273	Franklin, Sr., Benjamin	Gatke Corporation
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30283	Gallegos, Oscar M	Barber Asphalt Corp.
		Gatke Corporation
		General Refractories
2:11CV30289	Garcia, Eugenio	American Oil Co.
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
2:11CV30294	Gastinell, Lawrence	General Refractories
		United Fruit Company
		Gatke Corporation
2:11CV30295	Gaudette, Paul A	John Crane Inc.
		Rockport Steamship Company
		Gatke Corporation
		General Refractories
2:11CV30296	Gautney, Delbert	General Refractories
		Otto Candies Inc.
		BP Corporation N.A.
		Gatke Corporation
2:11CV30297	Gay, Raymond R	General Refractories
		Gatke Corporation
		General Refractories
2:11CV30301	Cooper, James L	Farrell Lines Inc.
		Amoco Shipping Co.
		Mathiasen Tanker Ind. Inc.
		Moore McCormack Bulk Transport Inc.
		Mormac Marine Transport, Inc.
		Gatke Corporation
		John Crane Inc.
General Refractories		
2:11CV30312	Cox, Jr., Thomas A	Gatke Corporation
		General Refractories
2:11CV30322	Cutting, Fredric A	General Refractories
		Atlantic Refining Company
		Arco Marine Inc.
		Atlantic Richfield Co.
		Arco
		Gatke Corporation
2:11CV30331	David, Monico	John Crane Inc.
		General Refractories
		Moore McCormack Bulk Transport Inc.
		Gatke Corporation
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30335	Davis, Henry F	Murphy Pacific Marine Salvage Co.
		Gatke Corporation
		General Refractories
2:11CV30338	Davis, Roger B	Cleveland Tankers Inc.
		Ford Motor Company
		Sinclair Refining Company
		American Oil Co.
		American Oil Co. of Indiana
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30344	DeGruy, Sr., Elmo A	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30351	Dennis, William H	American Oil Co.
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30355	Distelrath, Arthur F	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30356	Dixon, Clifford A	United Fruit Company
		Gatke Corporation
		General Refractories
2:11CV30364	Droz, Manuel	Gatke Corporation
		General Refractories
2:11CV30368	Gerrets, Jr., Charles N	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30369	Goldsbury, Thomas C	Kinsman Marine Transit Company
		Gatke Corporation
		General Refractories

<b>Civil Action No.</b>	<b>Name</b>	<b>Remand Defendant</b>
2:11CV30372	Gonzales, Charles S	United Fruit Company
		Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30374	Gooding, William T	United Fruit Company
		American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30376	Goodrum, Harold C	Gatke Corporation
		General Refractories
2:11CV30388	Griffin, Roland E	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories