

I 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 :  
By \_\_\_\_\_ :  
MICHAEL E. KUNZ, Clerk :  
Dep. Clerk :  
Certain "MARDOC" cases listed  
in Exhibit "A," attached

FILED  
JAN 16 2015

Transferred from the Northern  
District of Ohio

MARDOC SUGGESTION OF REMAND (No. 17)

AND NOW, this 15th 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

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<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

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### **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-30391-ER	GUARIN v. A-C PRODUCT LIABILITY TRUST et al	01-10439
2:11-cv-30400-ER	HAATAJA et al v. A-C PRODUCT LIABILITY TRUST et al	96-13245
2:11-cv-30405-ER	HAMILTON et al v. A-C PRODUCT LIABILITY TRUST et al	97-14859
2:11-cv-30409-ER	HANSEN et al v. A-C PRODUCT LIABILITY TRUST et al	97-13284
2:11-cv-30413-ER	HARRELL v. A-C PRODUCT LIABILITY TRUST et al	95-10366
2:11-cv-30415-ER	HARRIS et al v. A-C PRODUCT LIABILITY TRUST et al	94-13386
2:11-cv-30417-ER	HART et al v. A-C PRODUCT LIABILITY TRUST	96-14044
2:11-cv-30420-ER	HAY et al v. A-C PRODUCT LIABILITY TRUST et al	98-12495
2:11-cv-30421-ER	HAZEL et al v. A-C PRODUCT LIABILITY TRUST et al	96-13426
2:11-cv-30425-ER	HEBRANK et al v. A-C PRODUCT LIABILITY TRUST et al	98-13135
2:11-cv-30426-ER	HELLER et al v. A-C PRODUCT LIABILITY TRUST et al	97-10419
2:11-cv-30433-ER	HERNANDEZ et al v. A-C PRODUCT LIABILITY TRUST et al	97-12951
2:11-cv-30435-ER	HICKS et al v. A-C PRODUCT LIABILITY TRUST et al	99-10807
2:11-cv-30439-ER	HILBURN et al v. A-C PRODUCT LIABILITY TRUST et al	96-14110
2:11-cv-30442-ER	HOLMES v. A-C PRODUCT LIABILITY TRUST et al	94-13285
2:11-cv-30450-ER	EASTER v. A-C PRODUCT LIABILITY TRUST et al	97-13318
2:11-cv-30456-ER	EDEN v. A-C PRODUCT LIABILITY TRUST et al	99-12685
2:11-cv-30460-ER	ELLIOTT v. FOSTER WHEELER COMPANY et al	94-10876
2:11-cv-30466-ER	ESTRADA v. FOSTER WHEELER COMPANY et al	94-11742
2:11-cv-30467-ER	EVANS et al v. A-C PRODUCT LIABILITY TRUST et al	94-13062
2:11-cv-30470-ER	EVERETT et al v. A-C PRODUCT LIABILITY TRUST et al	97-10780
2:11-cv-30474-ER	MARRON v. FOSTER WHEELER COMPANY et al	94-11771
2:11-cv-30475-ER	BARTEL v. A.W. CHESTERTON CO., ET. AL.	99-11169
2:11-cv-30487-ER	MASSULLA v. A-C PRODUCT LIABILITY TRUST et al	98-13024
2:11-cv-30492-ER	MCCALL v. A-C PRODUCT LIABILITY TRUST et al	98-12693
2:11-cv-30497-ER	MCDADE et al v. FOSTER WHEELER COMPANY et al	94-12635
2:11-cv-30498-ER	MCDANIEL et al v. A-C PRODUCT LIABILITY TRUST et al	97-12418
2:11-cv-30509-ER	MCKAIG v. A-C PRODUCT LIABILITY TRUST et al	99-10083
2:11-cv-30512-ER	MEDINA et al v. FOSTER WHEELER COMPANY et al	94-10167
2:11-cv-30519-ER	MENDOZA v. A-C PRODUCT LIABILITY TRUST et al	01-10307
2:11-cv-30529-ER	MIRANDA et al v. FOSTER WHEELER COMPANY et al	94-12175
2:11-cv-30531-ER	MOJICA et al v. FOSTER WHEELER COMPANY et al	94-10655
2:11-cv-30533-ER	MONEM v. A-C PRODUCT LIABILITY TRUST et al	98-14267
2:11-cv-30549-ER	MULHOLLAND et al v. A-C PRODUCT LIABILITY TRUST et al	97-10264
2:11-cv-30554-ER	NAVIA et al v. A-C PRODUCT LIABILITY TRUST et al	98-10480
2:11-cv-30561-ER	NOCEDA v. A-C PRODUCT LIABILITY TRUST et al	96-15805
2:11-cv-30563-ER	NORGAN et al v. A-C PRODUCT LIABILITY TRUST et al	97-10858
2:11-cv-30564-ER	NORMAN v. A-C PRODUCT LIABILITY TRUST et al	98-13341
2:11-cv-30573-ER	OLAND v. A-C PRODUCTS LIABILITY TRUST et al	96-14734
2:11-cv-30575-ER	OLSEN et al v. A-C PRODUCT LIABILITY TRUST et al	99-10364
2:11-cv-30579-ER	BARTEL(OTT) et al v. A-C PRODUCT LIABILITY TRUST et al	00-12163
2:11-cv-30583-ER	BARTEL(ORTIZ) et al v. A-C PRODUCT LIABILITY TRUST et al	97-14899
2:11-cv-30586-ER	BARTEL(OSMAN) et al v. FOSTER WHEELER COMPANY et al	94-10171

2:11-cv-30590-ER	PABON v. A-C PRODUCT LIABILITY TRUST et al	00-11221
2:11-cv-30594-ER	PAGE v. A-C PRODUCT LIABILITY TRUST et al	97-15015
2:11-cv-30596-ER	PAINE et al v. A-C PRODUCT LIABILITY TRUST et al	97-14396
2:11-cv-30600-ER	BARTEL, ET. AL. v. AMERICAN OVERSEAS MARINE CORP., ET. AL.	96-14333
2:11-cv-30601-ER	PALYS v. A-C PRODUCT LIABILITY TRUST et al	00-10128
2:11-cv-30623-ER	HUGHES v. A-C PRODUCT LIABILITY TRUST et al	97-15046
2:11-cv-30624-ER	HUNTER v. A-C PRODUCT LIABILITY TRUST et al	98-14626

**EXHIBIT B**

Civil Action No.	Name	Remand Defendant
2:11CV30391	Guarin, Alex C	Gatke Corporation
		General Refractories
2:11CV30400	Haataja, Alfred F	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30405	Hamilton, John D	Gatke Corporation
		General Refractories
2:11CV30409	Hansen, Fred	J. J. Tennant Steamship Co.
		J. J. Tennant Co.
		Gatke Corporation
		General Refractories
2:11CV30413	Harrell, Jr., Willie C	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30415	Harris, Nathaniel N	Barber Asphalt Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30417	Hart, Charles L	American Oil Co.
		Standard Oil Co. of Indiana
		Barber Asphalt Corp.
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30420	Hay, Donald H	Amoco Oil Co.
		Cleveland Tankers Inc.
		Litton Great Lakes Corp.
		Gatke Corporation
		General Refractories
2:11CV30421	Hazel, Chester D	Gatke Corporation
		General Refractories
2:11CV30425	Hebrank, Edward G	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30426	Heller, Perry E	Gatke Corporation
		John Crane Inc.
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30433	Hernandez, Saturnino	Gatke Corporation
		General Refractories
2:11CV30435	Hicks, Jr., Frank	American Oil Co.
		GlenEagle Ship Management Co.
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30439	Hilburn, Thomas J	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30442	Holmes Jr., Gilbert	Amoco Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30450	Easter, William L	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30456	Eden, Anthony G	Gatke Corporation
		General Refractories
2:11CV30460	Elliott, Andrew	Trinidad Corporation
		American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		Mathiasen Tanker Ind. Inc.
		United Fruit Company
		Amoco Shipping Co.
		American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30466	Estrada, Raul	Gatke Corporation
		General Refractories
2:11CV30467	Evans, Calvin E	Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30470	Everett, Moncre F	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30474	Marron, Harry	United Fruit Company
		New York & Cuba Mail S/S Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30475	Marshall, Jr., Robert E	Gatke Corporation
		General Refractories
2:11CV30487	Massulla, Carlo W	Gatke Corporation
		General Refractories
2:11CV30492	McCall, Arthur J	Gatke Corporation
		General Refractories
2:11CV30497	McDade, Thaddeus	BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30498	McDaniel, Carlos C	Gatke Corporation
		General Refractories
2:11CV30509	McKaig, Jr., James B	Exxon Company USA
		Esso Shipping Co.
		Gatke Corporation
		General Refractories
2:11CV30512	Medina, Luis A	New York & Cuba Mail S/S Co.
		Chesterton Co., A. W.
2:11CV30519	Mendoza, Jose C	Gatke Corporation
		General Refractories
2:11CV30529	Miranda, Felix	Gatke Corporation
		General Refractories
2:11CV30531	Mojica, Mario R	United Fruit Company
		New York & Cuba Mail S/S Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30533	Monem, Ali	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		Central Gulf Steamship Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Crown, Cork & Seal Co., Inc.

Civil Action No.	Name	Remand Defendant
2:11CV30549	Mulholland, Patrick J	Gatke Corporation
		General Refractories
2:11CV30554	Navia, Pedro A	Gatke Corporation
		General Refractories
2:11CV30561	Noceda, Daniel	Amoco Shipping Co.
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30563	Norgan, Franklin D	American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30564	Norman, Michael H	Gatke Corporation
		General Refractories
2:11CV30573	Oland, Talbert I	Gatke Corporation
		General Refractories
2:11CV30575	Olsen, Bernard C	Ford Motor Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30579	Ort, Richard J	Kinsman Marine Transit Company
		Kinsman Transit Co. Inc.
		Cargo Carriers Inc.
		Gatke Corporation
		General Refractories
2:11CV30583	Ortiz, Guillermina	Gatke Corporation
		General Refractories
2:11CV30586	Osman, Malip B	Esso Standard Oil Co.
		Humble Oil & Refining Company
		Murphy Pacific Marine Salvage Co.
		Humble Oil Co.
		Exxon Mobil Corporation
2:11CV30590	Pabon, Jaime	Mormac Marine Transport, Inc.
		Gatke Corporation
		General Refractories
2:11CV30594	Page, Ronald H	Amoco Shipping Co.
		Gatke Corporation
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30596	Paine, David L	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30600	Paloumbis, Georgios	Gatke Corporation
		General Refractories
2:11CV30601	Palys, Douglas J	Mobil Oil Corporation
		Arco Marine Inc.
		Socony Mobil Oil Co.
		Arco
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30623	Hughes, Grady	Trinidad Corporation
		United Fruit Company
		Amoco Shipping Co.
		American Oil Co.
		American South African Lines
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30624	Hunter, John C	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories