

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  
v. : **JAN 16 2015** : District of Ohio  
VARIOUS DEFENDANTS : Certain "MARDOC" cases listed  
By: MICHAEL E. KUNZ, Clerk in Exhibit "A," attached  
Dep. Clerk

MARDOC SUGGESTION OF REMAND (No. 18)

AND NOW, this 16th 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>OH-N Case Number</b>
2:11-cv-30625-ER	HUTCHINGS v. A-C PRODUCT LIABILITY TRUST et al	01-10394
2:11-cv-30636-ER	JACKSON et al v. A-C PRODUCT LIABILITY TRUST et al	98-14718
2:11-cv-30638-ER	JAP-NGIE v. A-C PRODUCT LIABILITY TRUST et al	96-14012
2:11-cv-30668-ER	JOSEPH v. A-C PRODUCT LIABILITY TRUST et al	00-10614
2:11-cv-30673-ER	KELLY v. A-C PRODUCT LIABILITY TRUST et al	98-10170
2:11-cv-30678-ER	KING v. FOSTER WHEELER COMPANY et al	94-11814
2:11-cv-30684-ER	KRIEG et al v. A-C PRODUCT LIABILITY TRUST et al	97-15196
2:11-cv-30687-ER	KWONG et al v. A-C PRODUCT LIABILITY TRUST et al	98-14549
2:11-cv-30691-ER	LACROY v. A-C PRODUCT LIABILITY TRUST et al	99-10193
2:11-cv-30694-ER	LAMB et al v. A-C PRODUCT LIABILITY TRUST et al	99-12460
2:11-cv-30698-ER	LARSON v. A-C PRODUCT LIABILITY TRUST et al	94-13883
2:11-cv-30699-ER	LARSON et al v. A-C PRODUCT LIABILITY TRUST et al	97-11851
2:11-cv-30701-ER	LARSON et al v. A-C PRODUCT LIABILITY TRUST et al	99-10959
2:11-cv-30707-ER	LEE et al v. A-C PRODUCT LIABILITY TRUST et al	95-10386
2:11-cv-30712-ER	LEUNG et al v. A-C PRODUCT LIABILITY TRUST et al	98-14756
2:11-cv-30721-ER	LOGAN v. A-C PRODUCT LIABILITY TRUST et al	00-11907
2:11-cv-30729-ER	MADDEN v. A-C PRODUCT LIABILITY TRUST et al	99-12458
2:11-cv-30731-ER	MADISON v. A-C PRODUCT LIABILITY TRUST et al	94-13355
2:11-cv-30739-ER	SPANHOFF v. A-C PRODUCT LIABILITY TRUST et al	97-12059
2:11-cv-30755-ER	STIRTON v. A-C PRODUCT LIABILITY TRUST et al	00-10401
2:11-cv-30761-ER	SULLIVAN v. A-C PRODUCT LIABILITY TRUST et al	97-14124
2:11-cv-30762-ER	SULLIVAN et al v. A-C PRODUCT LIABILITY TRUST et al	00-11448
2:11-cv-30763-ER	SUMMERS et al v. A-C PRODUCT LIABILITY TRUST et al	95-14270
2:11-cv-30765-ER	SUSKA et al v. A-C PRODUCT LIABILITY TRUST et al	97-12322
2:11-cv-30767-ER	TARRATS v. A-C PRODUCT LIABILITY TRUST et al	01-10347
2:11-cv-30775-ER	THIBODEAUX et al v. FOSTER WHEELER COMPANY et al	94-11942
2:11-cv-30776-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-01002
2:11-cv-30778-ER	THOMAS et al v. A-C PRODUCT LIABILITY TRUST et al	94-12953
2:11-cv-30787-ER	TRIPALDI v. A-C PRODUCT LIABILITY TRUST et al	98-11405
2:11-cv-30790-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	96-14709
2:11-cv-30798-ER	VARIZE et al v FOSTER WHEELER COMPANY et al	93-13680
2:11-cv-30800-ER	VASQUEZ v. A-C PRODUCT LIABILITY TRUST et al	96-15556
2:11-cv-30824-ER	WARREN et al v. A-C PRODUCT LIABILITY TRUST et al	97-13662
2:11-cv-30827-ER	WATERS et al v. FOSTER WHEELER COMPANY et al	94-11008
2:11-cv-30835-ER	WELTY et al v. A-C PRODUCT LIABILITY TRUST et al	01-10547
2:11-cv-30836-ER	WESLEY v. A-C PRODUCT LIABILITY TRUST et al	97-10808
2:11-cv-30842-ER	WIKSTROM et al v. A-C PRODUCT LIABILITY TRUST et al	96-15935
2:11-cv-30847-ER	WILLIAMS et al v. FOSTER WHEELER COMPANY et al	94-11271
2:11-cv-30848-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-14581
2:11-cv-30852-ER	WILRIDGE et al v. A-C PRODUCT LIABILITY TRUST et al	95-12718
2:11-cv-30858-ER	BITTNER v. A-C PRODUCT LIABILITY TRUST et al	98-13934
2:11-cv-30867-ER	WRIGHT v. A-C PRODUCT LIABILITY TRUST et al	97-11802
2:11-cv-30869-ER	YAHYA v. A-C PRODUCT LIABILITY TRUST et al	98-11681

2:11-cv-30880-ER	PEREZ v. A-C PRODUCT LIABILITY TRUST et al	99-10379
2:11-cv-30897-ER	POLK et al v. FOSTER WHEELER COMPANY et al	94-12427
2:11-cv-30903-ER	POWERS v. A-C PRODUCT LIABILITY TRUST et al	99-12045
2:11-cv-30914-ER	RAGAS v. FOSTER WHEELER COMPANY et al	94-11912
2:11-cv-30919-ER	RAMOS v. A-C PRODUCT LIABILITY TRUST et al	98-12524
2:11-cv-30924-ER	REISER v. A-C PRODUCT LIABILITY TRUST et al	98-12082
2:11-cv-30935-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-14023

**EXHIBIT B**

<b>Civil Action No.</b>	<b>Name</b>	<b>Remand Defendant</b>
2:11CV30625	Hutchings, Neil F	Gatke Corporation General Refractories
2:11CV30636	Jackson, Sherman B	Gatke Corporation General Refractories
2:11CV30638	Japngie, Charles B	Gatke Corporation General Refractories
2:11CV30668	Joseph, Solomon M	Gatke Corporation General Refractories
2:11CV30673	Kelly, Robert L	Gatke Corporation General Refractories Chesterton Co., A. W.
2:11CV30678	King, Edward A	Gatke Corporation General Refractories
2:11CV30684	Krieg, Joseph P	Cosmopolitan Shipping Co., Inc. Gatke Corporation General Refractories
2:11CV30687	Kwong, Raymond C	Gatke Corporation General Refractories
2:11CV30691	LaCoy, Frank E	Gatke Corporation General Refractories
2:11CV30694	Lamb, James F	Cities Service Oil Company
2:11CV30698	Larson, Brian A	Gatke Corporation General Refractories
2:11CV30699	Larson, Carl T	Socony Mobil Oil Co. Exxon Mobil Corporation Gatke Corporation General Refractories
2:11CV30701	Larson, John E	Gatke Corporation General Refractories
2:11CV30707	Lee, Dan	Gatke Corporation General Refractories
2:11CV30712	Leung, Ralph	Farrell Lines Inc. American South African Lines Gatke Corporation General Refractories
2:11CV30721	Logan, David J	Gatke Corporation General Refractories
2:11CV30729	Madden, James J	United Fruit Company Gatke Corporation John Crane Inc. General Refractories



<b>Civil Action No.</b>	<b>Name</b>	<b>Remand Defendant</b>
2:11CV30731	Madison, Clark G	Gatke Corporation
		General Refractories
2:11CV30739	Spanhoff, Hendrik J	Amoco Oil Co.
		Interlake Steamship Company
		Kinsman Lines Inc.
		Mobil Oil Corporation
		Trinidad Corporation
		Exxon Company USA
		Exxon Shipping Co.
		Mormac Marine Transport, Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30755	Stirton, William H	American Steamship Co.
		Reiss Steamship Company
		Bell Steamship Company
		Kinsman Marine Transit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30761	Sullivan, George	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30762	Sullivan, Howard W	Gatke Corporation
		General Refractories
2:11CV30763	Summers, Walter R	Amoco Shipping Co.
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30765	Suska, Vladik	Gatke Corporation
		General Refractories
2:11CV30767	Tarrats, Luis	Gatke Corporation
		General Refractories
2:11CV30775	Thibodeaux, James J	Strachan Line
		Gatke Corporation
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30776	Thigpen, Hosie F	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30778	Thomas, Leonard	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30787	Tripaldi, Jay P	Gatke Corporation
		General Refractories
2:11CV30790	Tucker, Kenneth R	Coastwise Trading Company
		Shell Oil Company
		GlenEagle Ship Management Co.
		Shell Offshore Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30798	Varize, Roland L	Gatke Corporation
		General Refractories
2:11CV30800	Vasquez, Miguel	Gatke Corporation
		General Refractories
2:11CV30824	Warren, James T	Amoco Oil Co.
		Cleveland Tankers Inc.
		United Fruit Company
		American Oil Co.
		Standard Oil Co. of Indiana
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30827	Waters, James A	American Export Lines Inc.
		Cosmopolitan Shipping Co., Inc.
		Gatke Corporation
		John Crane Inc.
2:11CV30835	Welty, Karl F	General Refractories
		Sun Oil Co.
		Gatke Corporation
		General Refractories

Civil Action No.	Name	Remand Defendant
2:11CV30836	Wesley, Ernic	Amoco Shipping Co.
		GlenEagle Ship Management Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30842	Wikstrom, Donald A	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30847	Williams, Ulysses	Amoco Oil Co.
		American Oil Co.
		Gatke Corporation
		General Refractories
2:11CV30848	Williams, Willie W	United Fruit Company
		Cosmopolitan Shipping Co., Inc.
		New York & Cuba Mail S/S Co.
		Gatke Corporation
		John Crane Inc.
2:11CV30852	Wilridge, John L	General Refractories
		Mobil Oil Corporation
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
2:11CV30858	Winters, Joseph	General Refractories
		Chesterton Co., A. W.
		Interlake Steamship Company
		Gatke Corporation
2:11CV30867	Wright, Tom H	John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV30869	Yahya, Ali	Gatke Corporation
		General Refractories
		American Steamship Co.
		Reiss Steamship Company
		Cement Transit Co.
2:11CV30880	Rodriguez Perez, Tomas	Gatke Corporation
		General Refractories
		Gatke Corporation
		John Crane Inc.
		General Refractories

<b>Civil Action No.</b>	<b>Name</b>	<b>Remand Defendant</b>
2:11CV30897	Polk, Delma E	Barber Asphalt Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV30903	Powers, Jr., William J	Gatke Corporation
		General Refractories
2:11CV30914	Ragas, Donald	Gatke Corporation
		General Refractories
2:11CV30919	Ramos, Miguel A	Gatke Corporation
		General Refractories
2:11CV30924	Reiser, Louis N	Gatke Corporation
		General Refractories
2:11CV30935	Rivera, Raul	Gatke Corporation
		John Crane Inc.
		General Refractories