

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.

JAN 26 2015

VARIOUS DEFENDANTS

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

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

MARDOC SUGGESTION OF REMAND (No. 24)

AND NOW, this 23rd 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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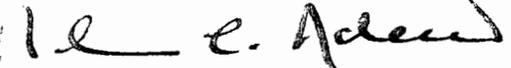
<sup>1</sup> On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory 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-31619-ER	MIKULA v. A-C PRODUCT LIABILITY TRUST et al	01-10392
2:11-cv-31622-ER	JEWELL et al v. A-C PRODUCT LIABILITY TRUST et al	00-12060
2:11-cv-31665-ER	HERNANDEZ v. A-C PRODUCT LIABILITY TRUST et al	98-12290
2:11-cv-31669-ER	STRATTON V. A-C PRODUCT LIABILITY TRUST, ET AL.	96-14852
2:11-cv-31688-ER	SANDOVAL v. A-C PRODUCT LIABILITY TRUST et al	01-10579
2:11-cv-31690-ER	HEFFRON v. A-C PRODUCT LIABILITY TRUST et al	99-12505
2:11-cv-31708-ER	WARRENS v. A-C PRODUCT LIABILITY TRUST et al	97-14861
2:11-cv-31713-ER	KIRKLAND v. A-C PRODUCT LIABILITY TRUST et al	94-13661
2:11-cv-31717-ER	JOHNSON v. FOSTER WHEELER COMPANY et al	94-12828
2:11-cv-31726-ER	EVANS et al v. A-C PRODUCT LIABILITY TRUST et al	94-14096
2:11-cv-31730-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-10171
2:11-cv-31732-ER	DARDEN et al v. A-C PRODUCT LIABILITY TRUST et al	97-10686
2:11-cv-31736-ER	SWEAT v. A-C PRODUCT LIABILITY TRUST	00-11360
2:11-cv-31740-ER	CARTIER et al v. FOSTER WHEELER COMPANY et al	94-10367
2:11-cv-31743-ER	STUMES et al v. FOSTER WHEELER COMPANY et al	94-11166
2:11-cv-31750-ER	EARL et al v. A-C PRODUCT LIABILITY TRUST et al	98-12215
2:11-cv-31753-ER	MARRERO et al v. FOSTER WHEELER COMPANY et al	94-11852
2:11-cv-31763-ER	CABALTERA v. A-C PRODUCT LIABILITY TRUST et al	01-10401
2:11-cv-31771-ER	MESA et al v. A-C PRODUCT LIABILITY TRUST et al	95-10756
2:11-cv-31779-ER	JONES v. A-C PRODUCT LIABILITY TRUST et al	97-14969
2:11-cv-31784-ER	ENRIQUEZ v. A-C PRODUCT LIABILITY TRUST et al	00-10855
2:11-cv-31785-ER	BATTISTE v. A-C PRODUCT LIABILITY TRUST et al	99-12715
2:11-cv-31789-ER	HAYNES et al v. A-C PRODUCT LIABILITY TRUST et al	98-13608
2:11-cv-31794-ER	HARRAWAY et al v. A-C PRODUCT LIABILITY TRUST et al	99-12580
2:11-cv-31799-ER	SATCHFIELD et al v. A-C PRODUCT LIABILITY TRUST et al	00-11266
2:11-cv-31804-ER	JOHNSON et al v. A-C PRODUCT LIABILITY TRUST et al	96-12571
2:11-cv-31807-ER	TITUS et al v. A-C PRODUCT LIABILITY TRUST et al	95-13397
2:11-cv-31808-ER	NOYES v. A-C PRODUCT LIABILITY TRUST et al	97-10310
2:11-cv-31814-ER	WATSON et al v. A-C PRODUCT LIABILITY TRUST et al	95-15092
2:11-cv-31816-ER	STEWART et al v. A-C PRODUCT LIABILITY TRUST et al	95-14056
2:11-cv-31822-ER	URLIN et al v. A-C PRODUCT LIABILITY TRUST et al	95-14938
2:11-cv-31829-ER	MOORE et al v. A-C PRODUCT LIABILITY TRUST et al	97-11942
2:11-cv-31837-ER	WILCOX et al v. A-C PRODUCT LIABILITY TRUST et al	95-14167
2:11-cv-31838-ER	PEREZ et al v. A-C PRODUCT LIABILITY TRUST et al	98-12834
2:11-cv-31843-ER	JENKINS et al v. A-C PRODUCT LIABILITY TRUST et al	96-11033
2:11-cv-31849-ER	REGGARO et al v. A-C PRODUCT LIABILITY TRUST et al	97-13332
2:11-cv-31893-ER	MALOY et al v. A-C PRODUCT LIABILITY TRUST et al	96-14580
2:11-cv-32102-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	96-10496
2:11-cv-32678-ER	MOODY et al v. A-C PRODUCT LIABILITY TRUST et al	96-13581
2:11-cv-32693-ER	MILLER v. LYKES BROTHERS STEAMSHIP CO., INC. et al	86-00932
2:11-cv-32872-ER	RENNIE et al v. ACANDS, INC. et al	89-15601
2:11-cv-33292-ER	BEM v. A-C PRODUCT LIABILITY TRUST et al	00-10188
2:11-cv-33348-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	97-12982

2:11-cv-33537-ER	AGUILAR et al v. KEYSTONE SHIPPING COMPANY et al	86-01816
2:11-cv-33590-ER	HYDE et al v. A-C PRODUCT LIABILITY TRUST et al	96-10304
2:11-cv-58868-ER	MAXIMO et al v. A-C PRODUCT LIABILITY TRUST	97-13920
2:11-cv-59201-ER	MILLER v. A-C PRODUCT LIABILITY TRUST	95-14710
2:11-cv-59454-ER	ARBONA v. A-C PRODUCT LIABILITY TRUST	00-11665
2:11-cv-59511-ER	MILLER v. A-C PRODUCT LIABILITY TRUST	96-15238
2:11-cv-59674-ER	JOHNSON v. A-C PRODUCT LIABILITY TRUST	99-12765

**EXHIBIT B**

<b>Civil Action No.</b>	<b>Name</b>	<b>Remand Defendant</b>
2:11CV31619	Mikula, Ronald P	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31622	Jewell, Junior M	Gatke Corporation
		General Refractories
2:11CV31665	Hernandez, Jose	Trinidad Corporation
		Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31669	Stratton, William A	Trinidad Corporation
		Sinclair Refining Company
		Amoco Shipping Co.
		American Oil Co.
		Kinsman Marine Transit Company
		Esso Shipping Co.
		Socony Mobil Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31688	Sandoval, Thomas E	Mobil Oil Corporation
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31690	Heffron, James M	Humble Oil & Refining Company
		Exxon Company USA
		Humble Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31708	Warrens, Robert C	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31713	Kirkland, Bernice M	Exxon Company USA
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31717	Johnson, Curtis E	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31726	Evans, Warren	Gulf Trading & Transport
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV31730	McCormick, Charles R	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31732	Darden, Frederic L	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31736	Sweat, Ernest R	Kinsman Marine Transit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31740	Cartier, Leonard E	Chesterton Co., A. W.
2:11CV31743	Stumes, Allen	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31750	Earl, Robert J	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31753	Marrero, Frank A	Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31763	Cabaltera, Marcelo B	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31771	Mesa, Francisco C	Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31779	Jones, David A	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31784	Enriquez, Rodrigo N	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31785	Battiste, Harry S	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31789	Haynes, Bobby L	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31794	Harraway, George W	Cleveland Cliffs Iron Company
		Mormac Marine Transport, Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31799	Satchfield, William N	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31804	Johnson, James E	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31807	Titus, James	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31808	Noyes, David S	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31814	Watson Sr., Oscar	Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31816	Stewart, Ronald L	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31822	Urlin, Allan D	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31829	Moore, Lucius	Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31837	Wilcox, William A	United Fruit Company
		Cleveland Cliffs S.S. Company
		Exxon Company USA
		Exxon Shipping Co.
		Barber Asphalt Corp.
		Exxon Transportation
		Exxon Corporation
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31838	Perez, Manuel E	Oswego Steamship Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV31843	Jenkins, Lester	Radcliff Material Inc.
		Gatke Corporation
		General Refractories
2:11CV31849	Reggato, William H	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		United Fruit Company
		Barber Asphalt Corp.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV31893	Maloy, Marion C	Gatke Corporation
		General Refractories
2:11CV32102	Dooner, Edward J	Marine Transport Lines Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV32678	Moody, Willard L	Coastwise Trading Company
		Amoco Shipping Co.
		American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV32693	Ramirez, Jose	United Fruit Company
		Alaska Steamship Company
		Pan American Petroleum
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32872	Rennie, John A	Amoco Shipping Co.
		American Oil Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV33292	Bem, Joel E	Sinclair Refining Company
		Amoco Shipping Co.
		Mormac Marine Transport, Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories

2:11CV33348	Richardson, Johnny	United Fruit Company
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
2:11CV33537	Aguilar, Fermin	Gatke Corporation
		John Crane Inc.
		General Refractories
		IMO Industries, Inc.
		Chesterton Co., A. W.
2:11CV33590	Hyde, Lawton	Gatke Corporation
		General Refractories
2:11CV58868	Maximo, Paul	Gatke Corporation
		General Refractories
2:11CV59201	Schweitzer, Jack D	General Refractories
		Chesterton Co., A. W.
2:11CV59454	Arbona, Israel	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV59511	McCaw, Robert	General Refractories
		Chesterton Co., A. W.
2:11CV59674	Johnson, Allan R	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.