

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 : Transferred from the Northern
v. : District of Ohio
VARIOUS DEFENDANTS :
MICHAEL E. KUNZ, Clerk : certain "MARDOC" cases listed
By _____, Dep. Clerk : in Exhibit "A," attached

MARDOC SUGGESTION OF REMAND (No. 26)

AND NOW, this 26th day of February, 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
2:11-cv-31900-ER	GILYARD v. A-C PRODUCT LIABILITY TRUST et al	95-13999
2:11-cv-31902-ER	PRANIS et al v. A-C PRODUCT LIABILITY TRUST et al	96-12633
2:11-cv-31903-ER	LARATTA v. A-C PRODUCT LIABILITY TRUST et al	96-10800
2:11-cv-31905-ER	LEDAY v. A-C PRODUCT LIABILITY TRUST et al	97-11849
2:11-cv-31910-ER	INGRAM et al v. A-C PRODUCT LIABILITY TRUST et al	95-11481
2:11-cv-31911-ER	WALSH et al v. A-C PRODUCT LIABILITY TRUST et al	96-15045
2:11-cv-31912-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	95-12695
2:11-cv-31914-ER	THOMPSON et al v. A-C PRODUCT LIABILITY TRUST et al	95-12354
2:11-cv-31916-ER	GROOVER et al v. A-C PRODUCT LIABILITY TRUST et al	95-12038
2:11-cv-31917-ER	RIVERA et al v. A-C PRODUCT LIABILITY TRUST et al	96-15359
2:11-cv-31922-ER	SOTO et al v. A-C PRODUCT LIABILITY TRUST et al	96-15496
2:11-cv-31924-ER	MINTON et al v. A-C PRODUCT LIABILITY TRUST et al	96-15750
2:11-cv-31926-ER	ANGELETY et al v. A-C PRODUCT LIABILITY TRUST et al	96-11359
2:11-cv-31937-ER	KWIATKOWSKI et al v. A-C PRODUCT LIABILITY TRUST et al	95-14286
2:11-cv-31940-ER	HANJILES v. A-C PRODUCT LIABILITY TRUST et al	97-11689
2:11-cv-31941-ER	SANTOS v. A-C PRODUCT LIABILITY TRUST et al	96-10178
2:11-cv-31942-ER	CRUZ-BIANGASSO v. A-C PRODUCT LIABILITY TRUST et al	95-11575
2:11-cv-31945-ER	PASE et al v. A-C PRODUCT LIABILITY TRUST et al	95-11471
2:11-cv-31950-ER	WALDRON v. A-C PRODUCT LIABILITY TRUST et al	96-15078
2:11-cv-31952-ER	FAIRMAN v. A-C PRODUCT LIABILITY TRUST et al	96-15683
2:11-cv-31954-ER	PHILLIPS v. FIREBOARD CORPORATION et al	95-12967
2:11-cv-31957-ER	JOHNSON v. FIBREBOARD CORPORATION et al	96-13235
2:11-cv-31960-ER	ROCK et al v. A-C PRODUCT LIABILITY TRUST et al	95-12112
2:11-cv-31961-ER	LITTLE et al v. A-C PRODUCT LIABILITY TRUST et al	95-12886
2:11-cv-31962-ER	JALHAM v. FIBREBOARD CORPORATION et al	95-13183
2:11-cv-31964-ER	MALBROUGH et al v. A-C PRODUCT LIABILITY TRUST et al	95-12053
2:11-cv-31970-ER	MOORE et al v. A-C PRODUCT LIABILITY TRUST ET AL	96-15412
2:11-cv-31973-ER	BONILLA et al v. A-C PRODUCT LIABILITY TRUST et al	96-11380
2:11-cv-31980-ER	BARTEL v. AMERICAN OVERSEAS MARINE CORP., ET. AL.	95-12547
2:11-cv-31996-ER	SAID v. A-C PRODUCT LIABILITY TRUST et al	95-13291
2:11-cv-31998-ER	BRADFORD v. A-C PRODUCT LIABILITY TRUST et al	95-13149
2:11-cv-32001-ER	CHAISSON v. A-C PRODUCT LIABILITY TRUST et al	96-10686
2:11-cv-32015-ER	SOLOMON v. A-C PRODUCT LIABILITY TRUST et al	96-13689
2:11-cv-32017-ER	GONZALEZ v. A-C PRODUCT LIABILITY TRUST et al	97-10208
2:11-cv-32018-ER	GRUBER v. A-C PRODUCT LIABILITY TRUST et al	97-13744
2:11-cv-32019-ER	STRINGER v. A-C PRODUCTS LIABILITY TRUST et al	96-11347
2:11-cv-32021-ER	CHRISTENSEN v. A-C PRODUCT LIABILITY TRUST	96-10929
2:11-cv-32027-ER	WELCOME v. A-C PRODUCT LIABILITY TRUST et al	95-15141
2:11-cv-32029-ER	REYES v. A-C PRODUCT LIABILITY TRUST et al	95-14668
2:11-cv-32030-ER	TWOHIG v. A-C PRODUCT LIABILITY TRUST et al	97-13048
2:11-cv-32031-ER	DUCHARME v. A-C PRODUCT LIABILITY TRUST et al	96-10789
2:11-cv-32034-ER	MORALES v. A-C PRODUCT LIABILITY TRUST et al	95-11138
2:11-cv-32038-ER	PARSONS v. A-C PRODUCT LIABILITY TRUST et al	96-10886

2:11-cv-32040-ER	ALEXANDER v. A-C PRODUCT LIABILITY TRUST et al	95-13918
2:11-cv-32041-ER	SODDERS v. A-C PRODUCT LIABILITY TRUST et al	96-13531
2:11-cv-32044-ER	THOMPSON v. A-C PRODUCT LIABILITY TRUST et al	96-12423
2:11-cv-32045-ER	GOMES v. A-C PRODUCT LIABILITY TRUST et al	96-11446
2:11-cv-32046-ER	MARIN v. A-C PRODUCT LIABILITY TRUST et al	96-12670
2:11-cv-32047-ER	DEGEN v. A-C PRODUCT LIABILITY TRUST et al	96-12666
2:11-cv-32053-ER	WILKERSON et al v. A-C PRODUCT LIABILITY TRUST et al	95-14345

EXHIBIT B

CIV	NAME	Remand Defendant
2:11CV31900	Gilyard, Keller E	Trinidad Corporation
		Amoco Shipping Co.
		Mathiasen Tanker Ind. Inc.
		Moore McCormack Bulk Transport Inc.
		Humble Oil & Refining Company
		Mormac Marine Transport, Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31902	Pranis, Edward A	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31903	Laratta, James	Exxon Company USA
		Exxon Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31905	Leday, Robert L	Mobil Oil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31910	Ingram Sr., Canute J	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31911	Walsh, Charles	Western Tankers Company
		Oswego Steamship Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV31912	Miller, Russell K	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31914	Thompson Jr., Harry	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31916	Groover, John V	Amoco Shipping Co.
		American Oil Co.
		BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31917	Rivera, William N	United Fruit Company
		Moore McCormack Bulk Transport Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31922	Soto, Manuel N	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31924	Minton, Sylvester P	United Fruit Company
		Pan American Petroleum and Transport Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31926	Angeley, Lloyd G	Trinidad Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV31937	Kwiatkowski, Adam	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31940	Hanjiles, Emanuel J	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31941	Santos, Meraldo M	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31942	Cruz-Biangasso, Carmen	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31945	Pase, Sr., Donald R	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31950	Waldron, Ulric M	Moore McCormack Bulk Transport Inc.
		Humble Oil & Refining Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31952	Fairman, Carsie	Moore McCormack Bulk Transport Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31954	Phillips, Lloyd J	Cleveland Cliffs Iron Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31957	Johnson, Roosevelt	Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV31960	Rock, Edward J	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31961	Little, James W	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31962	Jalham, Mohamed A	Cleveland Tankers Inc.
		Ford Motor Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Crown, Cork & Seal Co., Inc.
		Chesterton Co., A. W.
2:11CV31964	Malbrough, Paul W	BP Corporation N.A.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31970	Moore, Arthur A	Exxon Company USA
		Exxon Shipping Co.
		Exxon Transportation
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV31973	Bonilla, Jose E	Gatke Corporation
		General Refractories
		Chesterton Co., A. W.
2:11CV31980	Caldwell, Robert H	Waterman Marine Corp.
		Kinsman Marine Transit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV32027	Welcome, Francis	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32029	Reyes, Gabriel	United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32030	Twohig, Gerald W	American Export Isbrandtsen
		Amoco Shipping Co.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32031	Ducharme, Billy M	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32034	Morales, Leonides	Waterman Steamship Corporation
		United Fruit Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32038	Parsons, Lockley E	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32040	Alexander, Warren	Amoco Shipping Co.
		American Oil Co.
		Moore McCormack Bulk Transport Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32041	Sodders Jr., Eugene S	American Export Isbrandtsen
		Mathiasen Tanker Ind. Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.

2:11CV32044	Thompson, Ralph H	Farrell Lines Inc.
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32045	Gomes, John P	Esso Standard Oil Co.
		Humble Oil & Refining Company
		Exxon Company USA
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32046	Marin, Oger	United Brands Company
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32047	Degen, Josef A	Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.
2:11CV32053	Wilkerson, Jim	Standard Oil Co. of New Jersey
		Esso Shipping Co.
		Exxon Mobil Corporation
		Gatke Corporation
		John Crane Inc.
		General Refractories
		Chesterton Co., A. W.