

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
: District of Ohio
v. :
: Certain "MARDOC" cases listed
VARIOUS DEFENDANTS : in Exhibit "A," attached

MARDOC SUGGESTION OF REMAND (No. 28)

AND NOW, this 29th day of April, 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

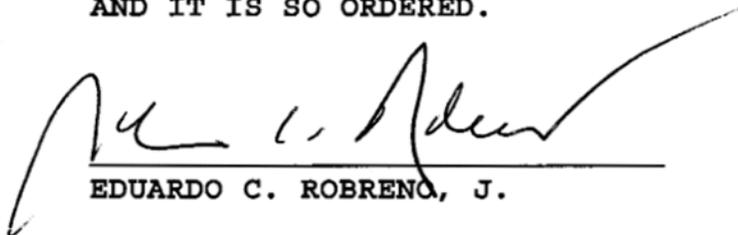
¹ On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory claims over 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-32312-ER	STEELE et al v. A-C PRODUCT LIABILITY TRUST et al	97-11968
2:11-cv-32319-ER	SEILER et al v. A-C PRODUCT LIABILITY TRUST et al	95-12799
2:11-cv-32321-ER	MCSWAIN et al v. A-C PRODUCT LIABILITY TRUST et al	96-10590
2:11-cv-32327-ER	FULD et al v. A-C PRODUCT LIABILITY TRUST et al	95-11197
2:11-cv-32342-ER	LASOULEY et al v. A-C PRODUCT LIABILITY TRUST et al	96-11518
2:11-cv-32346-ER	HENRY v. A-C PRODUCT LIABILITY TRUST et al	95-12229
2:11-cv-32350-ER	TUOHEY v. A-C PRODUCT LIABILITY TRUST et al	96-10567
2:11-cv-32357-ER	PERRY et al v. A-C PRODUCT LIABILITY TRUST et al	95-12582
2:11-cv-32360-ER	BARTEL v. AMERICAN OIL CO., ET. AL.	96-10742
2:11-cv-32366-ER	LADNER et al v. A-C PRODUCT LIABILITY TRUST et al	96-12273
2:11-cv-32369-ER	MARTELL v. A-C PRODUCT LIABILITY TRUST et al	97-11715
2:11-cv-32370-ER	BARTEL v. AMERICAN EXPORT LINES INC., ET. AL.	96-10642
2:11-cv-32371-ER	HAAS et al v. A-C PRODUCT LIABILITY TRUST et al	95-13904
2:11-cv-32373-ER	COOK et al v. A-C PRODUCT LIABILITY TRUST et al	96-15876
2:11-cv-32376-ER	ELLIOTT et al v. A-C PRODUCT LIABILITY TRUST et al	96-11396
2:11-cv-32379-ER	McBRIDE et al v. A-C PRODUCT LIABILITY TRUST et al	95-13919
2:11-cv-32380-ER	HAYNES et al v. A-C PRODUCT LIABILITY TRUST et al	96-15669
2:11-cv-32381-ER	BELL et al v. A-C PRODUCT LIABILITY TRUST et al	96-11091
2:11-cv-32382-ER	RICE et al v. A-C PRODUCT LIABILITY TRUST et al	96-11213
2:11-cv-32385-ER	CATALANO et al v. A-C PRODUCT LIABILITY TRUST et al	95-14518
2:11-cv-32396-ER	MARASCHINO et al v. FIBREBOARD CORPORATION et al	95-13847
2:11-cv-32409-ER	LAFFARGUE et al v. A-C PRODUCT LIABILITY TRUST et al	96-12690
2:11-cv-32422-ER	BLACK v. A-C PRODUCT LIABILITY TRUST et al	96-10469
2:11-cv-32423-ER	FORE v. A-C PRODUCT LIABILITY TRUST et al	96-10371
2:11-cv-32427-ER	GELAN v. A-C PRODUCT LIABILITY TRUST et al	95-14438
2:11-cv-32473-ER	SMITH et al v. A-C PRODUCT LIABILITY TRUST et al	95-12711
2:11-cv-32486-ER	BYNUM et al v. A-C PRODUCT LIABILITY TRUST et al	96-15033
2:11-cv-32487-ER	BURNEY et al v. FIBREBOARD CORPORATION et al	97-11308
2:11-cv-32490-ER	AVANT et al v. A-C PRODUCT LIABILITY TRUST et al	96-15706
2:11-cv-32513-ER	MCKINNEY v. A-C PRODUCT LIABILITY TRUST et al	97-12350
2:11-cv-32516-ER	CEDOTAL v. A-C PRODUCT LIABILITY TRUST et al	95-12465
2:11-cv-32521-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-10099
2:11-cv-32546-ER	VAUGHN et al v. A-C PRODUCT LIABILITY TRUST et al	95-12419
2:11-cv-32553-ER	DIFULCO et al v. A-C PRODUCT LIABILITY TRUST et al	95-14819
2:11-cv-32586-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	97-12983
2:11-cv-32597-ER	OZEN et al v. A-C PRODUCT LIABILITY TRUST et al	95-13132
2:11-cv-32616-ER	CASTRO et al v. A-C PRODUCT LIABILITY TRUST et al	95-10845
2:11-cv-32617-ER	STORBAKKEN v. FOSTER WHEELER COMPANY et al	94-11457
2:11-cv-32644-ER	JACKSON et al v. PACIFIC FAR EAST LINES et al	86-00908
2:11-cv-32658-ER	HARDY et al v. AMERICAN EAGLE TANKER et al	90-10764
2:11-cv-32675-ER	HUTCHISON et al v. A-C PRODUCT LIABILITY TRUST et al	95-12213
2:11-cv-32677-ER	MCINTOSH v. A-C PRODUCT LIABILITY TRUST et al	95-13479
2:11-cv-32681-ER	FREEMAN et al v. AMERICAN EAGLE TANKER CORP. et al	93-11324

2:11-cv-32702-ER	HAMMONS et al v. A-C PRODUCT LIABILITY TRUST et al	94-13029
2:11-cv-32729-ER	MILLER v. FOSTER WHEELER COMPANY et al	93-10066
2:11-cv-32746-ER	MILLER v. A. L. PIERCE et al	93-10489
2:11-cv-33173-ER	FERRELL v. FOSTER WHEELER COMPANY et al	94-10267
2:11-cv-33341-ER	MILLER v. AMERICAN EXPORT ISBRANDTSEN et al	92-11388
2:11-cv-33393-ER	MILLER v. AMERICAN FOREIGN S.S. CORP. et al	88-04558
2:11-cv-33399-ER	MILLER v. AMERICAN STEAMSHIP CO. et al	88-03531

EXHIBIT B

CIV	NAME	Defendant
2:11CV32312	Steele, Lawrence W	John Crane Inc.
2:11CV32319	Seiler, Paul W	New York & Cuba Mail S/S Co.
		John Crane Inc.
2:11CV32321	McSwain, Claude W	John Crane Inc.
2:11CV32327	Fuld, Vincent	Amoco Shipping Co.
		BP Corporation N.A.
		John Crane Inc.
2:11CV32342	LaSouley, Frederick J	American Export Lines Inc.
		John Crane Inc.
2:11CV32346	Henry, Rudolph E	American Export Lines Inc.
		Sinclair Refining Company
		Amoco Shipping Co.
		American Oil Co.
		John Crane Inc.
2:11CV32350	Tuohey, Frank J	John Crane Inc.
2:11CV32357	Perry, Arnold	American Steamship Co.
		Kinsman Lines Inc.
		Reiss Steamship Company
		Litton Great Lakes Corp.
		Kinsman Marine Transit Company
		Gartland Steamship Co.
		John Crane Inc.
2:11CV32360	Bustamante, Paul L	John Crane Inc.
2:11CV32366	Ladner, James C	United Fruit Company
		Cosmopolitan Shipping Co., Inc.
		John Crane Inc.
2:11CV32369	Martell, Stewart D	Trinidad Corporation
		John Crane Inc.
2:11CV32370	Dugan, Donald J	United Fruit Company
		John Crane Inc.
2:11CV32371	Haas, Elwood L	John Crane Inc.
2:11CV32373	Cook, Philip G	John Crane Inc.
2:11CV32376	Elliott, Herbert M	American Oil Co.
		Pan American Petroleum and Transport Company
		John Crane Inc.

2:11CV32379	McBride, James B	Pan American Petroleum and Transport Company
2:11CV32380	Haynes, Christopher C	John Crane Inc.
2:11CV32381	Bell, Charles J	John Crane Inc.
2:11CV32382	Rice, Harvey M	American Oil Co.
		John Crane Inc.
2:11CV32385	Catalano, Joseph N	John Crane Inc.
2:11CV32396	Maraschino, John A	John Crane Inc.
2:11CV32409	Laffargue, Lawrence W	John Crane Inc.
2:11CV32422	Black, Clifton M	United Fruit Company
		John Crane Inc.
2:11CV32423	Fore, Aaron	John Crane Inc.
2:11CV32427	Gelan, Mohammed	American Steamship Co.
		Reiss Steamship Company
		John Crane Inc.
2:11CV32473	Smith, Wesley	United Fruit Company
		John Crane Inc.
2:11CV32486	Bynum, Richard S	Sea-Land Manpower
		John Crane Inc.
2:11CV32487	Burney, James G	John Crane Inc.
2:11CV32490	Avant, William P	John Crane Inc.
2:11CV32513	McKinney, Roy E	John Crane Inc.
2:11CV32516	Cedotal Jr., Claude	John Crane Inc.
2:11CV32521	Mouton, Anthony	John Crane Inc.
2:11CV32546	Vaughn, Ernest C	John Crane Inc.
2:11CV32553	Difulco, Luke H	John Crane Inc.
2:11CV32586	Bryner, Alvin	John Crane Inc.
2:11CV32597	Ozen, Percy L	John Crane Inc.
2:11CV32616	Castro, Fernando	United Fruit Company
		Oswego Steamship Co.
		John Crane Inc.
2:11CV32617	Storbakken, Wallace H	J. J. Tennant Co.
		John Crane Inc.
2:11CV32644	Jackson, Roy M	John Crane Inc.
2:11CV32658	Hardy, William H	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		Amoco Shipping Co.
		American South African Lines
		New York & Cuba Mail S/S Co.
		John Crane Inc.

2:11CV32675	Hutchison, Fred T	J. J. Tennant Co. John Crane Inc.
2:11CV32677	McIntosh, Norwood K	Continental Oil Company John Crane Inc.
2:11CV32681	Freeman, Oras V	American Oil Co. Moore McCormack Bulk Transport Inc. John Crane-Houdaille, Inc.
2:11CV32702	Hammons, Harry L	American Export Lines Inc. Trinidad Corporation American Oil Co. Moore McCormack Bulk Transport Inc. Southport Steamship Corporation John Crane Inc.
2:11CV32729	Pantoja, Sr., Evaristo	John Crane-Houdaille, Inc.
2:11CV32746	Williamson, Harold L	John Crane Inc. John Crane-Houdaille, Inc.
2:11CV33173	Ferrell, William L	Trinidad Corporation Sinclair Refining Company United Fruit Company
2:11CV33341	Martinez, Luis	United Fruit Company Union Carbide Corporation John Crane-Houdaille, Inc.
2:11CV33393	Johnson, Henry W	United Fruit Company
2:11CV33399	Roberts, Robert M	American Steamship Co. Reiss Steamship Company

