

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.	:	
VARIOUS DEFENDANTS	:	Certain "MARDOC" cases listed in Exhibit "A," attached

**FILED**  
**MAY - 5 2015**  
 By MICHAEL E. KUNZ, Clerk  
 Dep. Clerk

MARDOC SUGGESTION OF REMAND (No. 33)

AND NOW, this 5th day of May, 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.

<b>Exhibit A</b>		
<b>PA-E Case Number</b>	<b>Caption</b>	<b>OH-N Case Number</b>
2:09-cv-30014-ER	CROWLEY v. A-C PRODUCT LIABILITY TRUST et al	00-12360
2:11-cv-30134-ER	BEASLEY et al v. A-C PRODUCT LIABILITY TRUST et al	96-13021
2:11-cv-30225-ER	CHACON v. A-C PRODUCT LIABILITY TRUST et al	97-10106
2:11-cv-30332-ER	DAVIS et al v. FOSTER WHEELER CO. et al	94-10314
2:11-cv-30339-ER	DAWSON v. A-C PRODUCT LIABILITY TRUST et al	99-10413
2:11-cv-30394-ER	GUILLORY et al v. A-C PRODUCT LIABILITY TRUST et al	00-10677
2:11-cv-30411-ER	HARDEMAN et al v. FOSTER WHEELER COMPANY et al	94-12001
2:11-cv-30443-ER	HOLMES et al v. A-C PRODUCT LIABILITY TRUST et al	94-13198
2:11-cv-30491-ER	MCCABE et al v. A-C PRODUCT LIABILITY TRUST et al	98-10272
2:11-cv-30499-ER	MCDONALD v. A-C PRODUCT LIABILITY TRUST et al	99-13132
2:11-cv-30523-ER	MILLAN et al v. A-C PRODUCT LIABILITY TRUST et al	98-11729
2:11-cv-30538-ER	MOODY et al v. A-C PRODUCT LIABILITY TRUST et al	94-13758
2:11-cv-30572-ER	OKRAY et al v. A-C PRODUCTS LIABILITY TRUST et al	95-10381
2:11-cv-30627-ER	JACK et al v. A-C PRODUCT LIABILITY TRUST et al	97-10133
2:11-cv-30675-ER	KIMBROUGH et al v. FOSTER WHEELER COMPANY et al	94-12393
2:11-cv-30746-ER	STAHL v. FOSTER WHEELER COMPANY et al	94-12538
2:11-cv-30747-ER	STANFORD et al v. A-C PRODUCT LIABILITY TRUST et al	95-10516
2:11-cv-30753-ER	STEWART et al v. A-C PRODUCT LIABILITY TRUST et al	96-14217
2:11-cv-30774-ER	THIBODEAUX et al v. A-C PRODUCT LIABILITY TRUST et al	96-14735
2:11-cv-30788-ER	TRUESDELL et al v. A-C PRODUCT LIABILITY TRUST et al	95-10678
2:11-cv-30845-ER	WILLIAMS et al v. FOSTER WHEELER COMPANY et al	94-11920
2:11-cv-30938-ER	RIVERS et al v. A-C PRODUCT LIABILITY TRUST et al	97-10846
2:11-cv-30979-ER	SANTIAGO et al v. A-C PRODUCT LIABILITY TRUST et al	96-13849
2:11-cv-31070-ER	SCHROEDER et al v. A-C PRODUCT LIABILITY TRUST	99-11386
2:11-cv-31073-ER	SILVA et al v. A-C PRODUCT LIABILITY TRUST et al	98-12653
2:11-cv-31295-ER	TZEFAKES v. A-C PRODUCT LIABILITY TRUST et al	99-12283
2:11-cv-31587-ER	MCCHRISTIAN v. A-C PRODUCTS LIABILITY TRUST et al	94-13773
2:11-cv-31729-ER	RIO et al v. A-C PRODUCT LIABILITY TRUST et al	97-11160
2:11-cv-31749-ER	VOS et al v. A-C PRODUCT LIABILITY TRUST et al	98-12613
2:11-cv-31815-ER	BLACK v. A-C PRODUCT LIABILITY TRUST et al	96-11686
2:11-cv-31850-ER	REYNOLDS v. AMERICAN PRESIDENT LINES LTD., Et. Al.	96-11920
2:11-cv-44059-ER	KOOYSTRA v. A-C PRODUCT LIABILITY TRUST, ET. AL.	95-12448
2:11-cv-52727-ER	HENDERSON v. A-C PRODUCT LIABILITY TRUST	98-14249
2:11-cv-55653-ER	MURPHY et al v. A-C PRODUCT LIABILITY TRUST, ET AL	95-10066
2:11-cv-55853-ER	RAMIREZ v. A-C PRODUCT LIABILITY TRUST	95-12118
2:11-cv-56547-ER	ALERS v. A-C PRODUCT LIABILITY TRUST	96-14408
2:11-cv-56578-ER	COMBS v. A-C PRODUCT LIABILITY TRUST	96-14624
2:11-cv-56737-ER	MITCHELL v. A-C PRODUCT LIABILITY TRUST	96-12465
2:11-cv-56895-ER	SANCHEZ JR. v. A-C PRODUCT LIABILITY TRUST	97-10399
2:11-cv-58088-ER	MILLER v. AMERADA HESS CORP.	93-11139
2:11-cv-58626-ER	WYMAN et al v. FOSTER WHEELER COMPANY	94-12675
2:11-cv-58643-ER	ALEXANDER et al v. FOSTER WHEELER COMPANY	94-12840
2:11-cv-58653-ER	MILLER v. FOSTER WHEELER COMPANY, ET AL	94-12037
2:11-cv-58839-ER	CORREA v. A-C PRODUCT LIABILITY TRUST	97-13685

2:11-cv-59120-ER	STEPHENS v. A-C PRODUCT LIABILITY TRUST	96-11575
2:11-cv-59165-ER	VACCA v. A-C PRODUCT LIABILITY TRUST	96-11873
2:11-cv-59357-ER	SECRET v. A-C PRODUCT LIABILITY TRUST	97-11005
2:11-cv-59427-ER	RIVERA et al v. FOSTER WHEELER COMPANY	93-13588
2:11-cv-68736-ER	BRIETZKE et al v. A-C PRODUCT LIABILITY TRUST et al	97-11252
5:11-cv-45877-ER	CASBY v. A-C PRODUCT LIABILITY TRUST, ET AL	96-10018

**EXHIBIT B**

Civil Action No.	Name	Remand Defendant
2:09CV30014	Crowley, Dennis E	Mobil Oil Corporation
		GlenEagle Ship Management Co.
		Socony Mobil Oil Co.
		Exxon Mobil Corporation
		John Crane Inc.
2:11CV30134	Beasley, Milton H	John Crane Inc.
2:11CV30225	Chacon, Jose A	John Crane Inc.
2:11CV30332	Davis, Corbert E	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		Trinidad Corporation
		Amoco Shipping Co.
		American Oil Co.
		American South African Lines
		Amoco SS Company
2:11CV30339	Dawson, Norman J	Western Tankers Company
		John Crane Inc.
2:11CV30394	Guillory, Joseph F	American Export Lines Inc.
		Trinidad Corporation
		Amoco Shipping Co.
		John Crane Inc.
2:11CV30411	Hardeman, Jr., Freddie D	American Export Isbrandtsen
		Trinidad Corporation
		American Oil Co.
		John Crane Inc.
2:11CV30443	Holmes, Warren W	John Crane Inc.
2:11CV30491	McCabe, Paul S	American Export Isbrandtsen
		John Crane Inc.
2:11CV30499	McDonald, John C	Waterman Steamship Corporation
		John Crane Inc.
2:11CV30523	Millan, Manuel	John Crane Inc.
2:11CV30538	Moody, Bennie R	Amoco Shipping Co.
		American Oil Co.
		John Crane Inc.

2:11CV30572	Okroy, Norman	John Crane Inc.
2:11CV30627	Jack, Chester J	Moore McCormack Bulk Transport Inc.
		Barber Asphalt Corp.
2:11CV30675	Kimbrough, Leroy	United Fruit Company
		American Oil Co.
		Cosmopolitan Shipping Co., Inc.
		Pan American Petroleum and Transport Company
		Chiquita Brands International, Inc.
		John Crane Inc.
2:11CV30746	Stahl, Ralph E	American Steamship Co.
		Reiss Steamship Company
		Bell Steamship Company
		Kinsman Marine Transit Company
		Gartland Steamship Co.
		Inland Lakes Management Inc.
		Cement Transit Co.
		John Crane Inc.
2:11CV30747	Stanford, Glen C	Waterman Steamship Corporation
		John Crane Inc.
2:11CV30753	Stewart, Marlyn D	Watter's Marine Inc.
		BP Corporation N.A.
		John Crane Inc.
2:11CV30774	Thibodeaux, Evis J	John Crane Inc.
2:11CV30788	Truesdell, John L	Amoco Oil Co.
		Farrell Lines Inc.
		American Oil Co.
		John Crane Inc.

2:11CV30845	Williams, George R	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		United Fruit Company
		American Oil Co.
		American South African Lines
		Valley Lines
		John Crane Inc.
2:11CV30938	Rivers, Edmund R	American Steamship Co.
		Reiss Steamship Company
		Gartland Steamship Co.
		Cleveland Cliffs Iron Company
		John Crane Inc.
2:11CV30979	Santiago, Miguel A	United Fruit Company
		John Crane Inc.
2:11CV31070	Schroeder, Willy	Exxon Mobil Corporation
		John Crane Inc.
2:11CV31073	Silva, Enoch C	John Crane Inc.
2:11CV31295	Tzefakes, John	John Crane Inc.
2:11CV31587	McChristian, J D	Amoco Shipping Co.
		John Crane Inc.
2:11CV31729	Rio, Richard C	BP Corporation N.A.
		John Crane Inc.
2:11CV31749	Vos, William	John Crane Inc.
2:11CV31815	Black, Franklin O	John Crane Inc.
2:11CV31850	Reynolds, Anthony F	Pelican Marine Carriers Inc.
		Watter's Marine Inc.
		John Crane Inc.

2:11CV44059	Kooystra, Johan	GlenEagle Ship Management Co. John Crane Inc.
2:11CV52727	Henderson, Ronald	Ogden Victory Transport, Inc. John Crane Inc.
2:11CV55653	Murphy, William C	John Crane Inc.
2:11CV55853	Ramirez, Jose A	Trinidad Corporation Sinclair Refining Company Cosmopolitan Shipping Co., Inc. John Crane Inc.
2:11CV56547	Alers, Felix S	GlenEagle Ship Management Co. John Crane Inc.
2:11CV56578	Combs, Samuel H	United Fruit Company Conco Oil Co. John Crane Inc.
2:11CV56737	Mitchell, Claude L	United Fruit Company John Crane Inc.
2:11CV56895	Sanchez Jr., Manuel	Moore McCormack Bulk Transport Inc. John Crane Inc.
2:11CV58088	Coffey, Sr., Malcolm J	Farrell Lines Inc. Amerada Hess Corp. John Crane-Houdaille, Inc.
2:11CV58626	Wyman, Howard D	United Fruit Company Cosmopolitan Shipping Co., Inc. John Crane Inc.
2:11CV58643	Alexander, Robert L	Farrell Lines Inc. United Fruit Company John Crane Inc.
2:11CV58653	Miller, Carlos C	John Crane Inc.
2:11CV58839	Correa, Manuel	John Crane Inc.
2:11CV59120	Stephens, Leroy	John Crane Inc.
2:11CV59165	Vacca, Michael P	John Crane Inc.
2:11CV59357	Secrest, Morris K	John Crane Inc.
2:11CV59427	Rivera, Miguel A	Oswego Steamship Co. Barber Asphalt Corp. John Crane Inc.
2:11CV68736	Brietzke Jr., Carlon	Standard Oil Co. of Indiana John Crane Inc.
5:11CV45877	Casby Jr., Frank	John Crane Inc.