

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 22 2015

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

MARDOC SUGGESTION OF REMAND (No. 35)

AND NOW, this 22nd 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.¹

Accordingly, the Court **SUGGESTS** that the cases listed in Exhibit "A," attached, be **REMANDED** to the United States

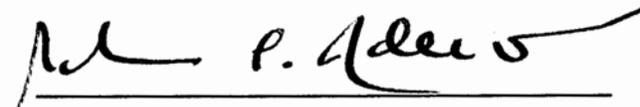
¹ On the Court's "land-based" docket, the MDL 875 Court has severed and retained most claims for punitive damages prior to the cases being remanded to the transferor courts. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory claims over 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-30539-ER	MOORE v. A-C PRODUCT LIABILITY TRUST et al	97-12082
2:11-cv-32285-ER	MOLINA v. A-C PRODUCT LIABILITY TRUST et al	95-11448
2:11-cv-33183-ER	STOWERS v. A-C PRODUCT LIABILITY TRUST et al	98-14011
2:11-cv-33214-ER	HIGGINS v. A-C PRODUCT LIABILITY TRUST et al	96-15833
2:11-cv-33216-ER	SIMPSON et al v. ACADEMY TANKERS INC. et al	91-10250
2:11-cv-33224-ER	EDWARDS et al v. A-C PRODUCT LIABILITY TRUST et al	95-13011
2:11-cv-33240-ER	LINSCOMB et al v. ALBATROSS STEAMSHIP CO. et al	93-12712
2:11-cv-33242-ER	BLANCHETTE et al v. A-C PRODUCT LIABILITY TRUST et al	96-12507
2:11-cv-33247-ER	KORBAR et al v. FOSTER WHEELER COMPANY et al	93-10258
2:11-cv-33253-ER	JACKSON v. A-C PRODUCT LIABILITY TRUST et al	00-10012
2:11-cv-33260-ER	HAYNES et al v. A-C PRODUCT LIABILITY TRUST et al	95-13367
2:11-cv-33271-ER	WRIGHT et al v. A-C PRODUCT LIABILITY TRUST et al	96-13932
2:11-cv-33293-ER	MILLER et al v. A-C PRODUCT LIABILITY TRUST et al	96-10791
2:11-cv-33307-ER	MONTGOMERY v. A-C PRODUCT LIABILITY TRUST, ET AL.	95-10590
2:11-cv-33317-ER	STULLIVAN et al v. ACANDS, INC. et al	91-10320
2:11-cv-33355-ER	KELLER et al v. FOSTER WHEELER COMPANY et al	94-11839
2:11-cv-33406-ER	FRENETT et al v. A-C PRODUCT LIABILITY TRUST et al	98-11362
2:11-cv-33453-ER	BUSIGO et al v. AMERICAN EXPORT ISBRANDTSEN et al	93-11333
2:11-cv-33457-ER	ARTIS et al v. A-C PRODUCT LIABILITY TRUST et al	95-11015
2:11-cv-33475-ER	LEE v. A-C PRODUCT LIABILITY TRUST, ET AL.	95-11431
2:11-cv-33492-ER	DEZEE v. A.L. BURBANK & COMPANY LTD. et al	93-11855
2:11-cv-33501-ER	REYES v. A-C PRODUCT LIABILITY TRUST et al	94-13181
2:11-cv-33506-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	97-13604
2:11-cv-33562-ER	BALDERSON et al v. ALASKA STEAMSHIP COMPANY et al	93-10842
2:11-cv-33564-ER	JOHNSON et al v. FOSTER WHEELER COMPANY et al	93-10809
2:11-cv-33569-ER	CAAMANO et al v. FOSTER WHEELER COMPANY et al	93-13240
2:11-cv-33579-ER	SCOTT et al v. A-C PRODUCT LIABILITY TRUST et al	95-12884
2:11-cv-33580-ER	FIALLOS et al v. A-C PRODUCT LIABILITY TRUST et al	95-11081
2:11-cv-33625-ER	TROTT et al v. FOSTER WHEELER COMPANY et al	93-11450
2:11-cv-33637-ER	PRATHER et al v. UNITED STATES LINES INC. REORGANIZATION TRUST et al	95-14194
2:11-cv-33638-ER	CASSADY et al v. UNITED STATES LINES INC. REORGANIZATION TRUST et al	97-10017
2:11-cv-33639-ER	EVERS et al v. UNITED STATES LINES INC. REORGANIZATION TRUST et al	95-15100
2:11-cv-33644-ER	CORDES v. A-C PRODUCT LIABILITY TRUST et al	94-13063
2:11-cv-33751-ER	MILLER v. BLIDBERG ROTHCHILD AGENCY CORP. et al	86-02191
2:11-cv-33803-ER	PIRES et al v. A-C PRODUCT LIABILITY TRUST et al	97-12615
2:11-cv-33835-ER	LARSEN et al v. A-C PRODUCT LIABILITY TRUST et al	99-12494
2:11-cv-33873-ER	MARMOLEJO et al v. AMERICAN EXPORT ISBRANDSTEN et al	92-11335
2:11-cv-33878-ER	HAYES et al v. AMERICAN EXPORT ISBRANDTSEN et al	93-11676
2:11-cv-41724-ER	SMITH v. A-C PRODUCT LIABILITY TRUST	98-11922
2:11-cv-43828-ER	ROSATI v. A-C PRODUCT LIABILITY TRUST	95-11119
2:11-cv-48075-ER	LANKFORD v. A-C PRODUCT LIABILITY TRUST	95-12420
2:11-cv-55916-ER	ODOM v. AMERICAN OIL CO.	95-14133

2:11-cv-56519-ER	MILLER v. A-C PRODUCT LIABILITY TRUST	96-14120
2:11-cv-58058-ER	LAUSELL et al v. AMERICAN EXPORT ISBRANDTSEN	93-10892
2:11-cv-58290-ER	DAVIS v. A-C PRODUCT LIABILITY TRUST	94-13060
2:11-cv-58303-ER	FOSTER et al v. A-C PRODUCT LIABILITY TRUST	94-13163
2:11-cv-58359-ER	KIRKLAND v. A-C PRODUCT LIABILITY TRUST	94-13725
2:11-cv-58725-ER	HOOD et al v. FOSTER WHEELER COMPANY	94-11857
2:11-cv-58826-ER	WILLIAMS v. A-C PRODUCT LIABILITY TRUST	97-13477
2:11-cv-59233-ER	WHITEHOUSE et al v. A-C PRODUCT LIABILITY TRUST	95-15019

EXHIBIT B

Civil Action No.	Name	Remand Defendant
2:11CV30539	Moore, John R	Southern Towing Company, Inc.
		Port Arthur Towing Company
		Magnolia Marine Transportation Co.
		John Crane Inc.
2:11CV32285	Molina, Ramon	American President Lines Ltd.
2:11CV33183	Stowers, Wilbert E	American Oil Co.
		John Crane Inc.
2:11CV33214	Higgins, Jr., Martin B	Trinidad Corporation
		Amoco Shipping Co.
		Exxon Company USA
		Exxon Shipping Co.
		John Crane Inc.
2:11CV33216	Simpson, Sr., Claibon J	Amoco Shipping Co.
2:11CV33224	Edwards, Horace L	Amoco Shipping Co.
		John Crane Inc.
2:11CV33240	Linscomb, Simul D	Mathiasen Tanker Ind. Inc.
		John Crane Inc.
2:11CV33242	Blanchette, Charles	United Fruit Company
		John Crane Inc.
2:11CV33247	Korbar, Ralph J	United Fruit Company
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV33253	Jackson, Algie B	Amoco Shipping Co.
		Mormac Marine Transport, Inc.
		John Crane Inc.
2:11CV33260	Haynes, Sr., Leroy	Oswego Steamship Co.
		Pan American Petroleum and Transport Company
		John Crane Inc.
2:11CV33271	Wright, James H	Amoco Shipping Co.
		John Crane Inc.
2:11CV33293	Miller, Herbert L	Amoco Shipping Co.
		Moore McCormack Bulk Transport Inc.
		John Crane Inc.
2:11CV33307	Montgomery, Winfred F	American Export Lines Inc.
		Farrell Lines Inc.
		American Export Isbrandtsen
		United Fruit Company
		American Oil Co.
		John Crane Inc.
2:11CV33317	Stullivan, Ike	Amoco Shipping Co.
		John Crane Inc.

2:11CV33355	Keller, Marshall W	John Crane Inc.
2:11CV33406	Frenett, Reidy F	Amoco Shipping Co.
		John Crane Inc.
2:11CV33453	Busigo, William	John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV33457	Artis, Fred D	John Crane Inc.
2:11CV33475	Lee, James E	Trinidad Corporation
		United Fruit Company
		Barber Asphalt Corp.
		Pan American Petroleum and Transport Company
		New York & Cuba Mail S/S Co.
		John Crane Inc.
2:11CV33492	DeZee, Simon J	Western Tankers Company
		John Crane-Houdaille, Inc.
2:11CV33501	Reyes, Luis	John Crane Inc.
2:11CV33506	Turchiano, Ralph	Farrell Lines Inc.
		John Crane Inc.
2:11CV33562	Balderson, John T	BP Corporation N.A.
		John Crane-Houdaille, Inc.
2:11CV33564	Johnson, Clarence O	Amoco Shipping Co.
		BP Corporation N.A.
		John Crane-Houdaille, Inc.
2:11CV33569	Caamano, John	John Crane Inc.
2:11CV33579	Scott, Jr., John J	American Export Isbrandtsen
		Trinidad Corporation
		United Fruit Company
		Amoco Shipping Co.
		Trinidad Tankers
		John Crane Inc.
2:11CV33580	Fiallos, Benjamin	United Fruit Company
		John Crane Inc.
2:11CV33625	Trott, Llewellyn A	John Crane-Houdaille, Inc.
2:11CV33637	Prather, Donez L	Cleveland Tankers Inc.
		John Crane Inc.
2:11CV33638	Cassady, Rudy C	Pan American Petroleum and Transport Company
		Brown & Root, Inc.
		John Crane Inc.
2:11CV33639	Evers, David J	Cities Service Oil Company

2:11CV33644	Cordes, George H	John Crane Inc.
2:11CV33751	Lewis, Charles	American Oil Co.
2:11CV33803	Pires, Charles R	United Fruit Company
		Esso Standard Oil Co.
		Esso Shipping Co.
		Exxon Mobil Corporation
2:11CV33835	Larsen, Carl E	Cosmopolitan Shipping Co., Inc.
		John Crane Inc.
2:11CV33873	Marmolejo, Juan	New York & Cuba Mail S/S Co.
2:11CV33878	Hayes, Edward M	American Oil Co.
		Oswego Steamship Co.
		John Crane Inc.
		John Crane-Houdaille, Inc.
2:11CV41724	Smith, William L	United States Steel Corp.
		John Crane Inc.
2:11CV43828	Rosati, John	Cleveland Tankers Inc.
		Standard Oil Co. of Indiana
		John Crane Inc.
2:11CV48075	Lankford, John	Amoco Shipping Co.
		American Oil Co.
		John Crane Inc.
2:11CV55916	Odom, James G	Amoco Oil Co.
		American Oil Co.
		Pan American Petroleum and Transport Company
2:11CV56519	Marquez, Sr., Miguel	John Crane Inc.
2:11CV58058	Lausell, Juan C	John Crane-Houdaille, Inc.
2:11CV58290	Davis, Roland J	Amoco Shipping Co.
		John Crane Inc.
2:11CV58303	Foster, Walter C	American Oil Co.
		Southport Steamship Corporation
		Pan American Petroleum and Transport Company
		John Crane Inc.
2:11CV58359	Kirkland, James R	Farrell Lines Inc.
		Trinidad Corporation
		Amoco Shipping Co.
		American Oil Co.
		Sword Line Inc.
		Union Carbide Corporation
		John Crane Inc.

2:11CV58725	Hood, James H	John Crane Inc.
2:11CV58826	Williams, John H	American Oil Co.
		John Crane Inc.
2:11CV59233	Whitehouse, James F	John Crane Inc.