

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

MARDOC SUGGESTION OF REMAND (No. 39)

AND NOW, this 28th day of July, 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](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		
PA-E Case Number		OH-N Case Number
2:11-cv-31494-ER	FIZELL v. FOSTER WHEELER COMPANY et al	94-11592
2:11-cv-31519-ER	GREEN v. A-C PRODUCT LIABILITY TRUST et al	95-10472
2:11-cv-31564-ER	LAKE et al v. A-C PRODUCT LIABILITY TRUST et al	96-13972
2:11-cv-31572-ER	LIPSHIZ v. A-C PRODUCT LIABILITY TRUST et al	98-12279
2:11-cv-31595-ER	MCWILLIAMS v. A-C PRODUCT LIABILITY TRUST et al	94-13913
2:11-cv-31737-ER	PAGLIANGO et al v. A-C PRODUCT LIABILITY TRUST et al	98-12993
2:11-cv-31742-ER	HAKKILA et al v. FOSTER WHEELER COMPANY et al	94-10451
2:11-cv-31797-ER	STEVENSON et al v. A-C PRODUCT LIABILITY TRUST et al	98-12823
2:11-cv-31802-ER	WILLIAMS et al v. A-C PRODUCT LIABILITY TRUST et al	98-12063
2:11-cv-31871-ER	LAWARE et al v. A-C PRODUCT LIABILITY TRUST et al	97-13449
2:11-cv-31878-ER	GONCALVES et al v. A-C PRODUCT LIABILITY TRUST et al	96-10533
2:11-cv-31891-ER	FRUIK et al v. A-C PRODUCT LIABILITY TRUST et al	96-10962
2:11-cv-31897-ER	POOLE et al v. A-C PRODUCT LIABILITY TRUST et al	96-12332
2:11-cv-31898-ER	ALVAREZ et al v. A-C PRODUCT LIABILITY et al	96-11766
2:11-cv-31904-ER	AUTIO et al v. A-C PRODUCT LIABILITY TRUST et al	95-13422
2:11-cv-31928-ER	REBER et al v. A-C PRODUCT LIABILITY TRUST et al	96-12591
2:11-cv-31930-ER	ROBERTS et al v. A-C PRODUCT LIABILITY TRUST et al	95-11948
2:11-cv-31934-ER	DE LA FUENTE et al v. A-C PRODUCT LIABILITY TRUST et al	95-15163
2:11-cv-31943-ER	RUSSELL et al v. A-C PRODUCT LIABILITY TRUST et al	95-13126
2:11-cv-32049-ER	PELLOT v. A-C PRODUCT LIABILITY TRUST et al	95-14624
2:11-cv-32063-ER	SIGUENZA et al v. A-C PRODUCT LIABILITY TRUST et al	95-13606
2:11-cv-32071-ER	DONNELL v. A-C PRODUCT LIABILITY TRUST et al	95-13907
2:11-cv-32094-ER	SPENCER et al v. A-C PRODUCT LIABILITY TRUST et al	96-11792
2:11-cv-32131-ER	GURNOE et al v. A-C PRODUCT LIABILITY TRUST et al	96-12325
2:11-cv-32138-ER	MINARD et al v. A-C PRODUCT LIABILITY TRUST et al	95-14951
2:11-cv-32150-ER	CLARK et al v. A-C PRODUCT LIABILITY TRUST et al	96-14835
2:11-cv-32152-ER	BERKEY et al v. A-C PRODUCT LIABILITY TRUST et al	95-14752
2:11-cv-32174-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-10060
2:11-cv-32183-ER	VOGEL et al v. A-C PRODUCT LIABILITY TRUST et al	94-12991
2:11-cv-32190-ER	WASHINGTON et al v. A-C PRODUCT LIABILITY TRUST et al	95-13882
2:11-cv-32290-ER	TATE et al v. A-C PRODUCT LIABILITY TRUST et al	95-11749
2:11-cv-32302-ER	ARNTSEN et al v. A-C PRODUCT LIABILITY TRUST et al	96-12409
2:11-cv-32309-ER	WILSON et al v. A-C PRODUCT LIABILITY TRUST et al	96-15721
2:11-cv-32314-ER	SMITH et al v. A-C PRODUCT LIABILITY TRUST et al	96-10488
2:11-cv-32316-ER	SUTLIFF et al v. A-C PRODUCT LIABILITY TRUST et al	98-10618
2:11-cv-32318-ER	LARSEN et al v. A-C PRODUCT LIABILITY TRUST et al	95-13457
2:11-cv-32320-ER	DIAZ v. A-C PRODUCT LIABILITY TRUST et al	95-11435
2:11-cv-32335-ER	DIANNA et al v. A-C PRODUCT LIABILITY TRUST et al	95-12046
2:11-cv-32356-ER	FLORENCE et al v. A-C PRODUCT LIABILITY TRUST et al	95-11244
2:11-cv-32372-ER	LIBBY v. A-C PRODUCT LIABILITY TRUST et al	96-12178
2:11-cv-32561-ER	RICHARDSON et al v. A-C PRODUCT LIABILITY TRUST et al	95-14595
2:11-cv-32577-ER	LOZADA et al v. A-C PRODUCT LIABILITY TRUST et al	96-10784
2:11-cv-32585-ER	HANKS et al v. A-C PRODUCT LIABILITY TRUST et al	95-12959
2:11-cv-32620-ER	IVANO et al v. A-C PRODUCT LIABILITY TRUST et al	96-10628

2:11-cv-32660-ER	BROWN et al v. A-C PRODUCT LIABILITY TRUST et al	95-10965
2:11-cv-32676-ER	ROBINSON et al v. A-C PRODUCT LIABILITY TRUST et al	95-10774
2:11-cv-32683-ER	CORDOVA et al v. A-C PRODUCT LIABILITY TRUST et al	96-10955
2:11-cv-32684-ER	SANTIAGO et al v. A-C PRODUCT LIABILITY TRUST et al	97-13593
2:11-cv-32713-ER	BROWN v. A-C PRODUCT LIABILITY TRUST et al	95-10293
2:11-cv-32738-ER	RIVERA et al v. A-C PRODUCT LIABILITY TRUST et al	95-13631

EXHIBIT B

Civil Action No.	Name	Remand Defendant
2:11CV31494	Fizell, Sr., Robert L	Interlake Steamship Company
		John Crane Inc.
2:11CV31519	Green Jr., Robert	United Fruit Company
		John Crane Inc.
2:11CV31564	Lake, Sr., Joseph A	United Fruit Company
		John Crane Inc.
2:11CV31572	Lipshitz, Bernard	John Crane Inc.
2:11CV31595	McWilliams, Jesse F	United Fruit Company
2:11CV31737	Pagliano, Michael J	Standard Oil Co. of New Jersey
		Esso Standard Oil Co.
		Humble Oil & Refining Company
		Exxon Company USA
		Esso Shipping Co.
		Humble Oil Co.
		Humble Oil Marine Div.
		Exxon Mobil Corporation
		John Crane Inc.
2:11CV31742	Hakkila, Toivo I	American Steamship Co.
		Kinsman Lines Inc.
		Reiss Steamship Company
		Cleveland Cliffs S.S. Company
		Kinsman Marine Transit Company
		Cleveland Cliffs Iron Company
		Kinsman Transit Co. Inc.
		Hannah
2:11CV31797	Stevenson, George	John Crane Inc.
2:11CV31802	Williams, Michael F	Mobil Oil Corporation
		Exxon Mobil Corporation
		John Crane Inc.
2:11CV31871	LaWare, Albert R	John Crane Inc.
2:11CV31878	Goncalves, Antonio M	Esso Standard Oil Co.
		Humble Oil & Refining Company
		Exxon Company USA
		Esso Shipping Co.
		Exxon Shipping Co.
		Exxon Mobil Corporation
		John Crane Inc.

2:11CV31891	Fruik, John F	American Steamship Co.
		Ford Motor Company
		John Crane Inc.
2:11CV31897	Poole, Richard L	Trinidad Corporation
		John Crane Inc.
2:11CV31898	Alvarez, Ambrosio	United Fruit Company
		John Crane Inc.
2:11CV31904	Autio, Eugene V	Interlake Steamship Company
		Reiss Steamship Company
		Cleveland Cliffs Iron Company
		John Crane Inc.
2:11CV31928	Reber, Jr., John H	Farrell Lines Inc.
		American Export Isbrandtsen
		New York & Cuba Mail S/S Co.
		John Crane Inc.
2:11CV31930	Roberts, Edward F	United Fruit Company
		John Crane Inc.
2:11CV31934	De La Fuente Sr., Francisco	Trinidad Corporation
		Amoco Shipping Co.
		American Oil Co.
		Moore McCormack Bulk Transport Inc.
		John Crane Inc.
2:11CV31943	Russell, Adrian E	American Export Isbrandtsen
		John Crane Inc.
2:11CV32049	Pellot, Efrain	United Fruit Company
		John Crane Inc.
2:11CV32063	Siguenza, Jorge	United Fruit Company
		Strachan Line
		John Crane Inc.
2:11CV32071	Donnell, James F	Farrell Lines Inc.
		John Crane Inc.
2:11CV32094	Spencer, Joao B	Standard Oil Co. of New Jersey
		Esso Standard Oil Co.
		Humble Oil & Refining Company
		Esso Shipping Co.
		Humble Oil Co.
		Humble Oil Marine Div.
		Exxon Mobil Corporation
		John Crane Inc.

2:11CV32131	Gurnoe, Richard L	Interlake Steamship Company
		Reiss Steamship Company
		Kinsman Marine Transit Company
		Gartland Steamship Co.
		Kinsman Transit Co. Inc.
2:11CV32138	Minnard, Ophilas	Trinidad Corporation
		John Crane Inc.
2:11CV32150	Clark, John	United Fruit Company
		John Crane Inc.
2:11CV32152	Berkey, John W	United Fruit Company
		New York & Cuba Mail S/S Co.
		John Crane Inc.
2:11CV32174	Sherrill, James T	Trinidad Corporation
		John Crane Inc.
2:11CV32183	Vogel, Timothy H	Cosmopolitan Shipping Co., Inc.
		John Crane Inc.
2:11CV32190	Washington Sr., Edwin	Cleveland Tankers Inc.
		Amoco Shipping Co.
		John Crane Inc.
2:11CV32290	Tate Jr., Wilton	Cleveland Tankers Inc.
		United Fruit Company
		American Oil Co.
2:11CV32302	Arntsen, Andreas	Ketchikan Merchants Charter Asso.
		Farwest Wrangell Co., Inc.
2:11CV32309	Wilson, Len	American Export Lines Inc.
		United Fruit Company
		Cosmopolitan Shipping Co., Inc.
		John Crane Inc.
2:11CV32314	Smith, William M	American Export Lines Inc.
		United Fruit Company
		Socony Vacuum Oil Company
		Socony Mobil Oil Co.
		Exxon Mobil Corporation
		John Crane Inc.
2:11CV32316	Sutliff, Arthur L	American Export Lines Inc.
		Farrell Lines Inc.
		American South African Lines
		John Crane Inc.

2:11CV32318	Larsen, Arnold C	Farrell Lines Inc.
		American South African Lines
		John Crane Inc.
2:11CV32320	Diaz, Sr., Fernando	United Fruit Company
		John Crane Inc.
2:11CV32335	Dianna, Emerick M	Standard Oil Co. of New Jersey
		Esso Standard Oil Co.
		Exxon Mobil Corporation
2:11CV32356	Florence, James A	Trinidad Corporation
		United Fruit Company
		Amoco Shipping Co.
		John Crane Inc.
2:11CV32372	Libby, Robert E	United Fruit Company
		John Crane Inc.
2:11CV32561	Richardson, Alex L	United Fruit Company
		Oswego Steamship Co.
		John Crane Inc.
2:11CV32577	Rivera Lozada, Julio	United Fruit Company
		New York & Cuba Mail S/S Co.
2:11CV32585	Hanks, John E	John Crane Inc.
2:11CV32620	Ivano, Nicholas M	Cities Service Oil Company
		United Fruit Company
		Amoco Shipping Co.
2:11CV32660	Brown, Sr., Alexander	American Export Lines Inc.
		Farrell Lines Inc.
		Trinidad Corporation
		United Fruit Company
		Mathiasen Tanker Ind. Inc.
		American South African Lines
		Cosmopolitan Shipping Co., Inc.
		John Crane Inc.
2:11CV32676	Robinson, John F	United Fruit Company
		John Crane Inc.
2:11CV32683	Cordova, Carlos V	United Fruit Company
		John Crane Inc.
2:11CV32684	Santiago, Ismael	United Fruit Company
		John Crane Inc.
2:11CV32713	Brown Jr., Andrew J	Marine Transport Lines Inc.
		American Oil Co.
		Sinclair Oil Company
		John Crane Inc.
2:11CV32738	Rivera, Hector G	United Fruit Company
		John Crane Inc.