

**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
	:	
CERTAIN PLAINTIFFS	:	01-md-875
	:	02-md-875
v.	:	13-4169
	:	14-6337
CERTAIN DEFENDANTS	:	15-1063
	:	15-3332
	:	16-215
	:	16-476
	:	16-2321
	:	16-2366
	:	16-2408

**MDL-875 Active Case Update**

This update and the attached spreadsheet case lists represent the Court's current understanding of the state of MDL-875. This report divides the active cases into two main categories: (I) land cases and (II) MARDOC cases. In total, the MDL has 544 cases.

In that the Court has stopped taking MDL-875 tag-along cases from all jurisdictions except for the United States District Court for the Eastern District of Pennsylvania, all of the pending land based cases are from this district.

**I. LAND**

The MDL has nine E.D. Pa. cases currently pending. Five of those cases were filed in 2016.

- One case is ready for trial before Judge Robreno (Mortimer v. A.O. Smith Corp., 13-4169). A trial date for this case will be set shortly.
- Two cases have pending motions for summary judgment (Decourcey v. ABB Inc., 14-6337; Conneen et al v. Amatek, Inc., 15-1063).

- Six case are on or soon will be on scheduling orders (Korcuba v. Air & Liquid Systems Corp., 15-3332; Walker v. Amtrol, 16-215; Hedrick v. Crane Co., 16-476; Flores v. Burnham Boiler, 16-2321; Storms v. Borg-Warner, 16-2366; Ney v. Owens Illinois, 16-2408).

## II. MARDOC

The MDL has 535 active MARDOC cases. The vast majority of these cases were transferred from the United States District Court for the Northern District of Ohio; although a very small fraction arose from district courts in the Virgin Islands, Michigan, and New York. The Court has divided these cases into two sub-categories: (A) regular track MARDOC cases and (B) OSG MARDOC cases which are cases that, until very recently, were stayed due to bankruptcy proceedings involving companies under the OSG tankership umbrella organization. Now that the stays have been lifted, these cases require administration similar to newly filed cases.

### A. The Court has 207 regular track MARDOC cases:

- 30 cases are ready for remand.
- 80 cases appear ready for remand but will require a rule to show cause hearing to confirm this from counsel.
- 87 cases have dispositive motions pending (specifically motions for summary judgment based on an alleged lack of causation).
- Ten cases have no pending motions but are awaiting activity from the bankruptcy trustees due to the Court's rulings regarding Defendants' motions for summary judgment based on judicial estoppel.

### B. The Court has 328 OSG MARDOC cases:

- 277 cases need a status and scheduling conference and likely a scheduling order. Five of these cases have pending motions for summary judgment from other non-OSG defendants.
- 46 cases appear ready for remand in that there are no pending motions or outstanding discovery and all OSG defendants have been dismissed.

- Five cases have summary judgment motions pending but do not otherwise need additional conferences since there are no remaining OSG defendants.

### **III. Pending Motions**

As of July 12, 2016, pending before the Court are the following potentially dispositive motions:

- In the land cases: five summary judgment motions and one motion to remand.
- In the MARDOC cases: 97 summary judgment motions based on lack of causation; 1 summary judgment motion based on judicial estoppel; and 1 summary judgment motion based on the lack of a statutory beneficiary.

### **IV. Summary**

In summary and combining the various categories that comprise the 544 MDL-875 cases, the Court currently has 156 cases that appear ready for remand; 283 cases that are on scheduling orders or will need scheduling orders; and 109 cases that currently have pending motions for summary judgment or require additional judicial management.

7/14/2016  
Date

/s/ Eduardo Robreno  
Eduardo C. Robreno, J.