

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. 2)

AND NOW, this 24th day of November, 2014, 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-30892-ER	PINO et al v. A-C PRODUCT LIABILITY TRUST et al	98-12159
2:11-cv-30911-ER	RACKLEY et al v. A-C PRODUCT LIABILITY TRUST et al	97-12459
2:11-cv-30954-ER	ROBERTS v. A-C PRODUCT LIABILITY TRUST et al	97-11342
2:11-cv-30964-ER	RUSH et al v. FOSTER WHEELER COMPANY et al	93-13840
2:11-cv-30998-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	98-14016
2:11-cv-31039-ER	BEST et al v. A-C PRODUCT LIABILITY TRUST et al	99-13062
2:11-cv-31042-ER	BLACH et al v. A-C PRODUCT LIABILITY TRUST et al	94-13455
2:11-cv-31045-ER	BOYLE et al v. A-C PRODUCT LIABILITY TRUST et al	98-10443
2:11-cv-31074-ER	SIPPO v. A-C PRODUCT LIABILITY TRUST et al	96-14413
2:11-cv-31078-ER	STAPLES et al v. A-C PRODUCT LIABILITY TRUST et al	96-14142
2:11-cv-31085-ER	TODALIN et al v. A-C PRODUCT LIABILITY TRUST et al	94-13682
2:11-cv-31090-ER	TRAPP et al v. A-C PRODUCT LIABILITY TRUST et al	98-14478
2:11-cv-31091-ER	TSUKAMOTO v. A-C PRODUCT LIABILITY TRUST et al	97-14164
2:11-cv-31103-ER	WILLIAMS et al v. FOSTER WHEELER COMPANY et al	94-10015
2:11-cv-31114-ER	MUIR et al v. FOSTER WHEELER COMPANY et al	93-13711
2:11-cv-31130-ER	PEJOVICH v. A-C PRODUCT LIABILITY TRUST et al	98-14387
2:11-cv-31149-ER	REED et al v. A-C PRODUCT LIABILITY TRUST et al	97-15216
2:11-cv-31198-ER	FLORES v. A-C PRODUCT LIABILITY TRUST et al	97-11941
2:11-cv-31217-ER	DAUFELDT et al v. A-C PRODUCT LIABILITY TRUST et al	98-11447
2:11-cv-31233-ER	SARDINHA v. A-C PRODUCT LIABILITY TRUST et al	00-11890
2:11-cv-31235-ER	MILLER v. A-C PRODUCT LIABILITY TRUST et al	99-11274
2:11-cv-31272-ER	BRIGHT et al v. A-C PRODUCT LIABILITY TRUST et al	99-10785
2:11-cv-31301-ER	ALLEN et al v. A-C PRODUCT LIABILITY TRUST et al	98-11282
2:11-cv-31359-ER	SLOOT et al v. A-C PRODUCT LIABILITY TRUST et al	98-14309
2:11-cv-31475-ER	DAVIS et al v. A-C PRODUCT LIABILITY TRUST et al	97-10671
2:11-cv-31487-ER	EITMANN et al v. A-C PRODUCT LIABILITY TRUST et al	98-11812
2:11-cv-31489-ER	ENGLER et al v. A-C PRODUCT LIABILITY TRUST et al	97-12312
2:11-cv-31498-ER	FRENETTE v. A-C PRODUCT LIABILITY TRUST et al	99-12749
2:11-cv-31529-ER	HASHIMOTO et al v. FOSTER WHEELER COMPANY et al	94-12354
2:11-cv-31557-ER	KERR et al v. A-C PRODUCT LIABILITY TRUST et al	00-10776
2:11-cv-31594-ER	MCMANNAMA et al v. FOSTER WHEELER COMPANY et al	94-11469
2:11-cv-31623-ER	COSTELLO et al v. A-C PRODUCT LIABILITY TRUST et al	97-10694
2:11-cv-31759-ER	JACOBS v. A-C PRODUCT LIABILITY TRUST et al	00-11637
2:11-cv-31880-ER	MANUEL et al v. A-C PRODUCT LIABILITY TRUST et al	95-11464
2:11-cv-32154-ER	MACQUESTON v. A-C PRODUCT LIABILITY TRUST et al	95-13459
2:11-cv-32218-ER	KING v. A-C PRODUCT LIABILITY TRUST et al	95-14380
2:11-cv-32332-ER	IMES et al v. A-C PRODUCT LIABILITY TRUST et al	96-11015
2:11-cv-32538-ER	JACKSON et al v. A-C PRODUCT LIABILITY TRUST et al	95-14012
2:11-cv-32859-ER	COLLINS v. ALBATROSS STEAMSHIP CO. et al	93-11048
2:11-cv-33767-ER	TOWNS v. A-C PRODUCT LIABILITY TRUST et al	97-14802
2:11-cv-54367-ER	CAIN v. ACANDS, INC.	89-15465
2:11-cv-59409-ER	MILLER v. A-C PRODUCT LIABILITY TRUST	97-11421
2:11-cv-59681-ER	RUSCHEL v. A-C PRODUCT LIABILITY TRUST	99-12956
2:11-cv-31135-ER	PHILPOT, JR. v. A-C PRODUCT LIABILITY TRUST et al	96-14273

2:11-cv-31151-ER	REMLEY et al v. A-C PRODUCT LIABILITY TRUST et al	97-15053
2:11-cv-31155-ER	ROCHE et al v. A-C PRODUCT LIABILITY TRUST et al	97-14564
2:11-cv-31161-ER	ROBERTSON et al v. A-C PRODUCT LIABILITY TRUST et al	99-11796
2:11-cv-31162-ER	THISTLE et al v. A-C PRODUCT LIABILITY TRUST et al	98-11449
2:11-cv-31163-ER	RENTZ et al v. A-C PRODUCT LIABILITY TRUST et al	98-14009
2:11-cv-31166-ER	SCANNELL et al v. A-C PRODUCT LIABILITY TRUST et al	98-14583

Exhibit B

Civil Action No.	Name	Pending Defendants
2:11CV30892	Pino, Phillip	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
		John Crane Inc.
2:11CV30911	Rackley, James F	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV30954	Roberts, Anthony J	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV30964	Rush, Henry J	IMO Industries, Inc.
2:11CV30998	Sigurdson, John	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31039	Best, Jr., James F	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
2:11CV31042	Blache, Earl G	Cities Service Oil Company
		Gatke Corporation
		General Refractories
		IMO Industries, Inc.
		John Crane Inc.
2:11CV31045	Boyle, George H	Gatke Corporation
		General Refractories
		IMO Industries, Inc.

Civil Action No.	Name	Pending Defendants
2:11CV31074	Sippo, Patrick A	Gatke Corporation General Refractories John Crane Inc.
2:11CV31078	Staples, Elven L	Gatke Corporation General Refractories IMO Industries, Inc. John Crane Inc.
2:11CV31085	Todalín, Aaron	Gatke Corporation General Refractories IMO Industries, Inc. John Crane Inc. Watter's Marine Inc.
2:11CV31090	Trapp, Edmund J	Gatke Corporation General Refractories IMO Industries, Inc.
2:11CV31091	Tsukamoto, Harry K	Gatke Corporation General Refractories IMO Industries, Inc. John Crane Inc.
2:11CV31103	Williams, Charles E	IMO Industries, Inc.
2:11CV31114	Muir, Joseph W	IMO Industries, Inc.
2:11CV31130	Pejovich, Thomas	Gatke Corporation General Refractories IMO Industries, Inc. John Crane Inc.
2:11CV31149	Reed, Norman E	Gatke Corporation General Refractories IMO Industries, Inc.
2:11CV31198	Flores, Ruben D	Gatke Corporation General Refractories IMO Industries, Inc.
2:11CV31217	Daufeldt, John H	Gatke Corporation

Civil Action No.	Name	Pending Defendants
		General Refractories
		IMO Industries, Inc.
2:11CV31233	Sardinha, Manuel M	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
		John Crane Inc.
2:11CV31235	Der, Kwok W	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
		John Crane Inc.
2:11CV31272	Bright, Willie K	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
2:11CV31301	Allen, Charlie J	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
2:11CV31359	Sloot, John C	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
2:11CV31475	Davis, Howard E	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
2:11CV31487	Eitmann, Joseph M	Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31489	Engler, Allan S	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
		John Crane Inc.
2:11CV31498	Frenette, Larry A	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
		John Crane Inc.

Civil Action No.	Name	Pending Defendants
2:11CV31529	Hashimoto, Sadami	Chesterton Co., A. W. Gatke Corporation General Refractories IMO Industries, Inc. John Crane Inc.
2:11CV31557	Kerr, Roy R	Gatke Corporation General Refractories IMO Industries, Inc.
2:11CV31594	McMannama, Robert P	Gatke Corporation General Refractories IMO Industries, Inc.
2:11CV31623	Costello, Donald J	Gatke Corporation General Refractories IMO Industries, Inc.
2:11CV31759	Jacobs, Joseph L	Ellis Barge Line Inc. Gatke Corporation General Refractories H & H Towing Company IMO Industries, Inc.
2:11CV31880	Manuel, Alberto F	Gatke Corporation General Refractories John Crane Inc. Mathiasen Tanker Ind. Inc. Trinidad Corporation
2:11CV32154	MacQueston Jr., Robert C	Chesterton Co., A. W. Gatke Corporation General Refractories IMO Industries, Inc. John Crane Inc.
2:11CV32218	King, Freddie D	Amoco Shipping Co. Gatke Corporation General Refractories IMO Industries, Inc.

Civil Action No.	Name	Pending Defendants
		John Crane Inc.
2:11CV32332	Imes, Melvin L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		IMO Industries, Inc.
2:11CV32538	Jackson, James H	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
		John Crane Inc.
2:11CV32859	Collins, Donald R	Gatke Corporation
		IMO Industries, Inc.
		John Crane-Houdaille, Inc.
2:11CV33767	Towns, William W	Amoco Shipping Co.
		Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		IMO Industries, Inc.
2:11CV54367	Cain, Robert N	Trinidad Corporation
2:11CV59409	Narbut, Francis L	Chesterton Co., A. W.
		Cities Service Oil Company
		Gatke Corporation
		General Refractories
		IMO Industries, Inc.
		John Crane Inc.
		Trinidad Corporation
2:11CV59681	Ruschel, Leonard E	Gatke Corporation
		General Refractories
		IMO Industries, Inc.
		John Crane Inc.
		Watter's Marine Inc.

Civil	Name	Defendant
2:11CV31135	Philpot Jr., James	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31151	Remley, Ned L	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV31155	Roche, James E	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV31161	Robertson, John H	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
2:11CV31162	Thistle, Frederick H	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
2:11CV31163	Rentz, Gene R	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		John Crane Inc.
		Seminole Asphalt
2:11CV31166	Scannell, Timothy J	Chesterton Co., A. W.
		Gatke Corporation
		General Refractories
		IMO Industries, Inc.