

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

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February 14, 2007

NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: March 29, 2007

LOCATION OF HEARING SESSION: John H. Wood, Jr. United States Courthouse
Courtroom No. 1, First Floor
655 East Durango Boulevard
San Antonio, Texas 78206

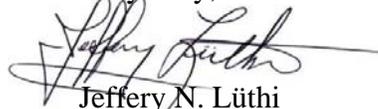
TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

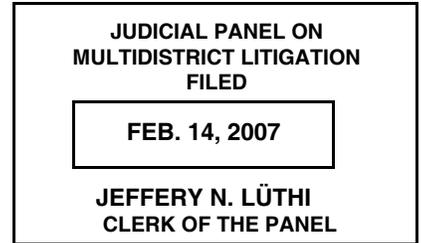
For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **March 12, 2007**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,



Jeffery N. Lüthi
Clerk of the Panel

c: Clerk, U.S. District Court for the Western District of Texas



BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL, DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL

HEARING SESSION ORDER

IT IS ORDERED that on March 29, 2007, a hearing session will be held in San Antonio, Texas, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION
March 29, 2007 -- San Antonio, Texas

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1800 -- In re Michael L. Buesgens Litigation

Motion of plaintiff Michael L. Buesgens for centralization of the following actions in the United States District Court for the District of Columbia:

District of Columbia

Michael L. Buesgens v. Charles E. Brown, et al., C.A. No. 1:06-1964

Western District of Texas

Michael L. Buesgens v. United States of America, et al., C.A. No. 1:06-967
Michael L. Buesgens v. Donald Ray Tawney, Bky. Advy. No. 1:06-1248

MDL-1825 -- In re Midland National Life Insurance Co. Sales Practices Litigation

Motion of plaintiff Mary H. Bendzak for centralization of the following actions in the United States District Court for the Southern District of Iowa:

Central District of California

John G. Migliaccio, et al. v. Midland National Life Insurance Co., et al.,
C.A. No. 2:06-1007

District of Hawaii

Leatrice C. Yokoyama, et al. v. Midland National Life Insurance Co., C.A. No. 1:05-303

Southern District of Iowa

Mary H. Bendzak v. Midland National Life Insurance Co., C.A. No. 4:05-649

MDL-1826 -- In re Graphics Processing Units Antitrust Litigation

Motion of plaintiffs Henry Truong, Trong Nguyen, Judd Eliasoph, and Stephanie Truong for centralization of the following actions in the United States District Court for the Northern District of California:

Central District of California

Bryan Schindelheim v. Advanced Micro Devices, Inc., et al., C.A. No. 2:06-7803

Northern District of California

Henry Truong v. Nvidia Corp., et al., C.A. No. 3:06-7417
Trong Nguyen v. Nvidia Corp., et al., C.A. No. 3:06-7418
Judd Eliasoph v. Nvidia Corp., et al., C.A. No. 3:06-7449
Stephanie Truong v. Nvidia Corp., et al., C.A. No. 3:06-7451
Rhonda Aldrich v. Nvidia Corp., et al., C.A. No. 3:06-7494
Justus Austin v. Nvidia Corp., et al., C.A. No. 3:06-7526

MDL-1827 -- In re TFT-LCD (Flat Panel) Antitrust Litigation

Motion of plaintiffs Judd Eliasoph, Jo Nash, Will Henderson, Jamie Maites, Henry Truong, Arthur Sorokin, Amy Forlan, and Stephanie Truong for centralization of certain of the following actions in the United States District Court for the Northern District of California and motion of plaintiff Roberta Harrell for centralization of the following actions in the United States District Court for the District of New Jersey:

Northern District of California

Judd Eliasoph v. LG Philips LCD Co., Ltd., et al., C.A. No. 3:06-7588
Jo Nash v. LG Philips LCD Co., Ltd., et al., C.A. No. 3:06-7601
Will Henderson v. LG Philips LCD Co., Ltd., et al., C.A. No. 3:06-7609
Jamie Maites v. LG Philips LCD Co., Ltd., et al., C.A. No. 3:06-7638
Henry Truong v. LG Philips LCD Co., Ltd., et al., C.A. No. 3:06-7639
Crago Corp. v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:06-7644
Robert Kerson v. LG Philips LCD Co., Ltd., et al., C.A. No. 3:06-7678
Karen Brock v. LG Philips LCD Co., Ltd., et al., C.A. No. 3:06-7679
Ari Hakim v. LG Philips LCD Co., Ltd., et al., C.A. No. 3:06-7699
Arthur Sorokin v. LG Philips LCD Co., Ltd., et al., C.A. No. 4:06-7600

MDL-1827 (Continued)

Northern District of California (Continued)

Amy Forlan v. LG Philips LCD Co., Ltd., et al., C.A. No. 4:06-7602

Stephanie Truong v. LG Philips LCD Co., Ltd., et al., C.A. No. 4:06-7640

Frederick Rozo v. LG Philips LCD Co., Ltd., et al., C.A. No. 4:06-7693

District of New Jersey

Nathan Muchnick, Inc. v. Sharp Corp., et al., C.A. No. 2:06-6107

Roberta Harrell v. LG Philips LCD Co., Ltd., et al., C.A. No. 2:06-6190

Richard A. Markham v. LG Philips LCD Co., Ltd., et al., C.A. No. 2:06-6191

Eastern District of New York

Chris Ferencsik v. LG Philips LCD Co., Ltd., et al., C.A. No. 1:06-6714

Southern District of New York

Gladys Baker v. LG Philips LCD Co., Ltd., et al., C.A. No. 1:06-14335

Jack Elbaz v. LG Philips LCD Co., Ltd., et al., C.A. No. 1:06-14423

Western District of Tennessee

Audio Video Artistry v. Samsung Electronics Co., Ltd., et al., C.A. No. 2:06-2848

MDL-1828 -- In re Imagitas, Inc., Drivers' Privacy Protection Act Litigation

Motion of defendant Imagitas, Inc., for centralization of the following actions in the United States District Court for the Northern District of Ohio:

Middle District of Florida

Marvin N. Rine, et al. v. Imagitas, Inc., C.A. No. 3:06-690

MDL-1828 (Continued)

District of Massachusetts

John J. Kendron, et al. v. Imagitas, Inc., C.A. No. 1:06-11893
Neil Mathias v. Imagitas, Inc., C.A. No. 1:06-12061

District of Minnesota

David R. Kracum, et al. v. Imagitas, Inc., C.A. No. 0:06-3817

Western District of Missouri

Harvey W. Ressler, et al. v. Imagitas, Inc., C.A. No. 4:06-775

Southern District of New York

Raymond A. Joao v. Imagitas, Inc., C.A. No. 1:06-13367

Northern District of Ohio

Neil Mathias, et al. v. Imagitas, Inc., C.A. No. 1:06-2118
Jeannine Bogard, et al. v. Imagitas, Inc., C.A. No. 5:06-2868

MDL-1830 -- In re Air Crash at Lexington, Kentucky, on August 27, 2006

Motion of plaintiffs Kevin Fahey, et al., and Kevin Lee Winters, et al., for centralization of the following actions in the United States District Court for the Eastern District of Kentucky:

Southern District of Florida

Karen L. Lykins, etc. v. Comair, Inc., et al., C.A. No. 0:06-61787

District of Kansas

Kevin Fahey, et al. v. Comair, Inc., et al., C.A. No. 2:07-2002
Kevin Lee Winters, et al. v. Comair, Inc., et al., C.A. No. 2:07-2003

MDL-1830 (Continued)

Eastern District of Kentucky

Opal Blockson, etc. v. Comair, Inc., C.A. No. 2:06-175
Richard Harris, etc. v. Comair, Inc., et al., C.A. No. 5:06-292
Dorrit T. Landmark, et al. v. Comair, Inc., C.A. No. 5:06-305
Joshua Isaac Adams, etc. v. Comair, Inc., et al., C.A. No. 5:06-313
W. Richard Young, et al. v. Comair, Inc., et al., C.A. No. 5:06-315
In Re Air Crash at Lexington, Kentucky, August 27, 2006, C.A. No. 5:06-316
Kathleen Moscoe, etc. v. Comair, Inc., et al., C.A. No. 5:06-318
Jamie Hebert, etc. v. Comair, Inc., et al., C.A. No. 5:06-327
Castella Washington, etc. v. Comair, Inc., et al., C.A. No. 5:06-333
First Citizens Bank of Elizabethtown, Kentucky, etc. v. Comair, Inc., et al.,
C.A. No. 5:06-337
First Citizens Bank of Elizabethtown, Kentucky, etc. v. Comair, Inc., et al.,
C.A. No. 5:06-339
Charles Curry, et al. v. Comair, Inc., et al., C.A. No. 5:06-340
Michael Simard, etc. v. Comair, Inc., et al., C.A. No. 5:06-342
Comair, Inc. v. United States of America, et al., C.A. No. 5:06-346
William Glen Demrow, et al. v. Comair, Inc., C.A. No. 5:06-371
James T. Washington, etc. v. Comair, Inc., et al., C.A. No. 5:06-385
John W. Bizzack, etc. v. Comair, Inc., C.A. No. 5:06-392
Kenneth A. Hunt, etc. v. Comair, Inc., et al., C.A. No. 5:06-400
Katherine Trimble v. Comair, Inc., et al., C.A. No. 5:06-411
William W. Thomason, Jr., et al. v. Comair, Inc., C.A. No. 5:06-412
Kyra Frederick, etc. v. Comair, Inc., C.A. No. 5:06-413
Valerie A. Towles, etc. v. Comair, Inc., C.A. No. 5:06-429

MDL-1831 -- In re Orthopaedic Implant Device Antitrust

Motion of defendants Zimmer Holdings, Inc.; Zimmer, Inc.; Zimmer Dental, Inc.; DePuy Orthopaedics; Johnson & Johnson; Smith & Nephew, Inc.; Smith & Nephew, plc; Stryker Corp.; and Biomet, Inc., for centralization of the following actions in the United States District Court for the Southern District of Indiana:

Northern District of Indiana

Paul J. Chaiken DDS, P.C. v. Biomet, Inc., et al., C.A. No. 3:06-462

MDL-1831 (Continued)

Southern District of Indiana

South Central Surgical Center, LLC v. Zimmer Holdings, Inc., et al., C.A. No. 1:06-1068

Western District of Tennessee

Suzanne Kirschner v. Biomet, Inc., et al., C.A. No. 2:06-2469

John Williams v. Biomet, Inc., et al., C.A. No. 2:06-2481

MDL-1832 -- In re Pilgrim's Pride Fair Labor Standards Act Litigation

Motion of defendant Pilgrim's Pride Corp. for centralization of the following actions in the United States District Court for the Eastern District of Texas:

Northern District of Alabama

Salvador Aguilar, et al. v. Pilgrim's Pride Corp., C.A. No. 5:06-1673

Irene Benford, et al. v. Pilgrim's Pride Corp., C.A. No. 5:06-2337

Western District of Arkansas

Stephania Aaron, et al. v. Pilgrim's Pride Corp., C.A. No. 1:06-1082

Eastern District of Tennessee

Rose Mary Porter v. Pilgrim's Pride Corp., C.A. No. 1:06-259

Eastern District of Texas

Barry Antee, et al. v. Pilgrim's Pride Corp., C.A. No. 5:06-89

MDL-1833 -- In re Funeral Casket Antitrust Litigation (No. II)

Motion of defendants Hillenbrand Industries, Inc., and Batesville Casket Company, Inc., for centralization of the following actions in the United States District Court for the Southern District of Texas:

Western District of Oklahoma

Candace D. Robinson, etc. v. Hillenbrand Industries, Inc., et al., C.A. No. 5:06-1190

Southern District of Texas

Funeral Consumers Alliance, Inc., et al. v. Service Corp. International, et al.,
C.A. No. 4:05-3394
Pioneer Valley Casket Co., Inc., et al. v. Service Corp. International, et al.,
C.A. No. 4:05-3399

MDL-1834 -- In re Helicopter Crash Near Zachary, Louisiana, on December 9, 2004

Motion of plaintiff Charles E. Duke for centralization of the following actions in the United States District Court for the Western District of North Carolina, or in the alternative, the United States District Court for the Southern District of Indiana:

Southern District of Indiana

Charles E. Duke v. Rolls-Royce Corp., et al., C.A. No. 1:06-1738

Western District of North Carolina

Charles E. Duke, et al. v. Rolls-Royce Corp., et al., C.A. No. 3:05-538
Aerial Solutions, Inc. v. Allison Engine Co., Inc., et al., C.A. No. 3:07-7

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

District of Delaware

Lillian Harwood, et al. v. Bondex International Inc., et al., C.A. No. 1:06-673

Middle District of Louisiana

Cletus Brewer v. Noble Drilling Corp., et al., C.A. No. 3:06-458

District of Maryland

Joyce Liming, etc. v. ACandS, Inc., et al., C.A. No. 1:06-3280

Southern District of Mississippi

Brandon Kaye Polk v. Phillips 66 Co., et al., C.A. No. 1:06-383
Daniel Livingston v. Phillips 66 Co., et al., C.A. No. 1:06-384
Ralph T. McPhail v. Phillips 66 Co., et al., C.A. No. 1:06-1146
Willie Lee Daniels v. Phillips 66 Co., et al., C.A. No. 1:06-1199
Harvey E. Broom v. Phillips 66 Co., et al., C.A. No. 1:06-1200
Rolland Dearman v. Phillips 66 Co., et al., C.A. No. 1:06-1201
Clinton L. Brady v. Phillips 66 Co., et al., C.A. No. 1:06-1202
Deloice Bullock v. Phillips 66 Co., et al., C.A. No. 1:06-1203
Eliel K. Mounteer, Sr. v. Phillips 66 Co., et al., C.A. No. 1:06-1204
Terry Wallace v. Phillips 66 Co., et al., C.A. No. 1:06-1205
Ray C. Rawls v. Phillips 66 Co., et al., C.A. No. 1:06-1206
Lonnie Newsom v. Phillips 66 Co., et al., C.A. No. 1:06-1207
George Dixon v. Phillips 66 Co., et al., C.A. No. 1:06-1208
Ted L. Piner v. Phillips 66 Co., et al., C.A. No. 1:06-1209
Henry A. Herring v. Phillips 66 Co., et al., C.A. No. 1:06-1210
Joseph Crawford v. Phillips 66 Co., et al., C.A. No. 1:06-1211

MDL-875 (Continued)

Southern District of Mississippi (Continued)

Dan Mack Daughdrill v. Phillips 66 Co., et al., C.A. No. 1:06-1212

Tony N. Thomas v. Phillips 66 Co., et al., C.A. No. 1:06-1213

Patrick Curd v. Phillips 66 Co., et al., C.A. No. 1:06-1214

Louie T. Elmer v. Phillips 66 Co., et al., C.A. No. 1:06-1215

Eastern District of Wisconsin

Janet Schueler, etc. v. American Optical Corp., C.A. No. 2:06-1076

Opposition of defendant Daniel International Corp. to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Western District of North Carolina:

Eastern District of Pennsylvania

H. Dean Allison, et al. v. Daniel Construction Co., Inc., et al., C.A. No. 2:06-68941
(W.D. North Carolina, C.A. No. 1:00-32)

MDL-1334 -- In re Managed Care Litigation

Opposition of plaintiffs Michael A. Genord, M.D., et al., to transfer of the following action to the United States District Court for the Southern District of Florida:

Eastern District of Michigan

Michael A. Genord, M.D., et al. v. Blue Cross & Blue Shield of Michigan,
C.A. No. 2:03-72950

MDL-1507 -- In re Prempro Products Liability Litigation

Opposition of plaintiff Lucy Trevino to transfer of the following action to the United States District Court for the Eastern District of Arkansas:

Western District of Texas

Minerva Hernandez, et al. v. Wyeth Pharmaceuticals, Inc., et al., C.A. No. 5:06-1025

MDL-1535 -- In re Welding Fume Products Liability Litigation

Oppositions of plaintiffs Irwin L. Ginsberg, et al.; James C. Hollywood, et al.; and Anthony Alfonso, Sr., et al., to transfer of their respective following actions to the United States District Court for the Northern District of Ohio:

Eastern District of Pennsylvania

Irwin L. Ginsberg, et al. v. A.O. Smith Corp., et al., C.A. No. 2:06-4669
James C. Hollywood, et al. v. A.O. Smith Corp., et al., C.A. No. 2:06-4670
Anthony Alfonso, Sr., et al. v. A.O. Smith Corp., et al., C.A. No. 2:06-4671

MDL-1566 – In re Western States Wholesale Natural Gas Antitrust Litigation

Opposition of plaintiff Missouri Public Service Commission to transfer of the following action to the United States District Court for the District of Nevada:

Western District of Missouri

Missouri Public Service Commission v. ONEOK, Inc., et al., C.A. No. 4:06-885

MDL-1596 – In re Zyprexa Products Liability Litigation

Opposition of plaintiff Patricia Madrid, etc., to transfer of the following action to the United States District Court for the Eastern District of New York:

District of New Mexico

Patricia Madrid, etc. v. Eli Lilly & Co., C.A. No. 6:06-1148

MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability Litigation

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Eastern District of California

Sheryl Churchman v. Merck & Co., Inc., et al., C.A. No. 2:06-2479
Irene Lear v. Merck & Co., Inc., et al., C.A. No. 2:06-2830
Allan J. English v. Merck & Co., Inc., et al., C.A. No. 2:06-2833

Northern District of California

Dolores Lee Tazmon v. Merck & Co., Inc., et al., C.A. No. 3:06-7455

Southern District of California

Hermogenes Del Rosario v. Merck & Co., Inc., et al., C.A. No. 3:06-2535
Maria Graham, etc. v. Merck & Co., Inc., et al., C.A. No. 3:06-2536
Sandra Boardman, etc. v. Merck & Co., Inc., et al., C.A. No. 3:06-2537
Lloyd Bell, etc. v. Merck & Co., Inc., et al., C.A. No. 3:06-2538
Joseph Cornwall, etc. v. Merck & Co., Inc., et al., C.A. No. 3:06-2539
Nancy Murphy v. Merck & Co., Inc., et al., C.A. No. 3:07-13

District of Colorado

James Franklin, etc. v. Merck & Co., Inc., C.A. No. 1:06-2164

Southern District of Florida

Kenneth Bowe, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-14284
Jacob Avidon, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-14285
Veronica Clark-Atchinson v. Merck & Co., Inc., et al., C.A. No. 2:06-14287
Robin A. Curry v. Merck & Co., Inc., et al., C.A. No. 2:06-14288
Lystine Fairweather, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-14289
Mary Lee Hudson v. Merck & Co., Inc., et al., C.A. No. 2:06-14290
Walter Smith, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-14291
Warren Young, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-14292
Andrew Trax, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-14293
Helen Spano, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-14294

MDL-1657 (Continued)

Southern District of Florida (Continued)

John Gumas v. Merck & Co., Inc., et al., C.A. No. 2:06-14295
Darrell Duncan v. Merck & Co., Inc., et al., C.A. No. 2:06-14296
James Ferguson v. Merck & Co., Inc., et al., C.A. No. 2:06-14297
Carol Morgan v. Merck & Co., Inc., et al., C.A. No. 2:06-14298
Patricia C. Putman, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-14299
Donald L. Simons v. Merck & Co., Inc., et al., C.A. No. 2:06-14300
Donna Robinson v. Merck & Co., Inc., et al., C.A. No. 2:06-14301
Gail Simmons v. Merck & Co., Inc., et al., C.A. No. 9:06-80994
Anita Finnegan v. Merck & Co., Inc., et al., C.A. No. 9:06-80996
Joseph Iuvara, et al. v. Merck & Co., Inc., et al., C.A. No. 9:06-80997
Thomas Erling v. Merck & Co., Inc., et al., C.A. No. 9:06-80998

Southern District of Illinois

Sharon Calaway v. Merck & Co., Inc., et al., C.A. No. 3:06-870
Sandra Kay Lindsey v. Merck & Co., Inc., et al., C.A. No. 3:06-883
Steven Strader v. Merck & Co., Inc., et al., C.A. No. 3:06-896
Patricia A. Taylor v. Merck & Co., Inc., et al., C.A. No. 3:06-948

District of Nevada

Charles Fitzgerald, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1324
Calvin Maestro, M.D., et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1325
George Morris, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1326
Estate of Mary Hoffman Williams, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1327
George Mayfield, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1328
Barbara Wyman, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1329
Byron Elmore, et al. v. Merck & Co., Inc., et al., C.A. No. 3:06-557

Southern District of New York

Ali Ghanem v. Merck & Co., Inc., et al., C.A. No. 1:06-11419

MDL-1657 (Continued)

District of South Carolina

Joyce R. Sanders, etc. v. Merck & Co., Inc., et al., C.A. No. 4:06-3225

Southern District of Texas

Juan Lizardi v. Merck & Co., Inc., et al., C.A. No. 1:06-176
Maria G. Gonzalez v. Merck & Co., Inc., et al., C.A. No. 1:06-181
San Juanita Mares Lejia, et al. v. Merck & Co., Inc., et al., C.A. No. 1:06-184
Rosario Lechuga v. Merck & Co., Inc., et al., C.A. No. 2:06-478
Divine Garcia v. Merck & Co., Inc., et al., C.A. No. 2:06-489
Hortencia Garza, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-494
Pedro Hernandez v. Merck & Co., Inc., et al., C.A. No. 2:06-499
John Blazier v. Merck & Co., Inc., et al., C.A. No. 3:06-721
Evert Crump v. Merck & Co., Inc., et al., C.A. No. 3:06-723
Richard Smith v. Merck & Co., Inc., et al., C.A. No. 3:06-724
Vada Tolbert v. Merck & Co., Inc., et al., C.A. No. 4:06-3689
Lynna J. Anderson, et al. v. Merck & Co., Inc., et al., C.A. No. 6:06-114
Lilian Murphree v. Merck & Co., Inc., et al., C.A. No. 7:06-303
Juan R. Gonzalez v. Merck & Co., Inc., et al., C.A. No. 7:06-319
Adolfo De Leon v. Merck & Co., Inc., et al., C.A. No. 7:06-320
Victor Saenz v. Merck & Co., Inc., et al., C.A. No. 7:06-321
Francisca Villarreal, et al. v. Merck & Co., Inc., et al., C.A. No. 7:06-322
Jose Zuniga v. Merck & Co., Inc., et al., C.A. No. 7:06-329
Rodolfo Regalado v. Merck & Co., Inc., et al., C.A. No. 7:06-331
Ludivina Pena v. Merck & Co., Inc., et al., C.A. No. 7:06-333
Anita Salinas v. Merck & Co., Inc., et al., C.A. No. 7:06-334
Alonzo Rivas v. Merck & Co., Inc., et al., C.A. No. 7:06-336
Dora Hernandez v. Merck & Co., Inc., et al., C.A. No. 7:06-337
Julio Sierra v. Merck & Co., Inc., et al., C.A. No. 7:06-338
Javier Trevino v. Merck & Co., Inc., et al., C.A. No. 7:06-340
Marcelina Tijerina v. Merck & Co., Inc., et al., C.A. No. 7:06-341

MDL-1657 (Continued)

Southern District of Texas (Continued)

Maria De Leon v. Merck & Co., Inc., et al., C.A. No. 7:06-344
Abdon Gonzalez v. Merck & Co., Inc., et al., C.A. No. 7:06-345
Maria Quintanilla v. Merck & Co., Inc., et al., C.A. No. 7:06-346
Adriana Negrete v. Merck & Co., Inc., et al., C.A. No. 7:06-347
Nora De Los Rios, et al. v. Merck & Co., Inc., et al., C.A. No. 7:06-357

Western District of Texas

Emil Kenneth Braune v. Merck & Co., Inc., et al., C.A. No. 1:06-848
Marilyn Trent v. Merck & Co., Inc., et al., C.A. No. 1:06-858
Charles Ray Garrett, et al. v. Merck & Co., Inc., et al., C.A. No. 1:06-859
Shirley Ison, et al. v. Merck & Co., Inc., et al., C.A. No. 1:06-865
Esther McConoghy v. Merck & Co., Inc., et al., C.A. No. 1:06-870
Ruby Shaw v. Merck & Co., Inc., et al., C.A. No. 1:06-871
Nathaniel Knight v. Merck & Co., Inc., et al., C.A. No. 1:06-901
Selma Gonzalez, et al. v. Merck & Co., Inc., et al., C.A. No. 5:06-985

Motion of defendants Blizzard, McCarthy & Nabers, LLP; Tommy Jacks; Laura Ruth Jacks; and Mark Guerrero for centralization of the following action in the United States District Court for Eastern District of Louisiana:

Southern District of New York

Goldhaber Research Associates, LLC v. Tommy Jacks, et al., C.A. No. 1:06-13628

MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability Litigation
MDL-1699 -- In re Bextra and Celebrex Marketing, Sales Practices and Products Liability
Litigation

Opposition of plaintiffs Laurence Schmidt, Patty Foreman, David Garner, and Lena Scher to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana in MDL-1657 and to the United States District Court for the Northern District of California in MDL-1699:

Southern District of Illinois

Laurence Schmidt v. Merck & Co., Inc., et al., C.A. No. 3:06-878
Patty Foreman v. Merck & Co., Inc., et al., C.A. No. 3:06-897
David Garner v. Merck & Co., Inc., et al., C.A. No. 3:06-898
Lena Scher v. Merck & Co., Inc., et al., C.A. No. 3:06-906

MDL-1700 -- In re FedEx Ground Package System, Inc., Employment Practices Litigation
(No. II)

Oppositions of plaintiffs Terrance E. Ellison; Theodore Holloway, Jr.; and Laron Jones to transfer of their respective following actions to the United States District Court for the Northern District of Indiana:

District of Maryland

Terrance E. Ellison v. FedEx Ground Package System, Inc., C.A. No. 1:06-2491
Theodore Holloway, Jr. v. FedEx Ground Package System, Inc., C.A. No. 1:06-2500
Laron Jones v. FedEx Ground Package System, Inc., C.A. No. 1:06-2708

MDL-1706 -- In re Doral Financial Corp. Securities Litigation

Opposition of plaintiff Robert I. Fox, etc., to transfer of the following action to the United States District Court for the Southern District of New York:

District of Puerto Rico

Robert I. Fox, etc. v. Salomon Levis, et al., C.A. No. 3:06-2096

MDL-1708 -- In re Guidant Corp. Implantable Defibrillators Products Liability Litigation

Oppositions of plaintiffs Irene Kocol, etc., and Jimmy Hammond, et al., and defendants Health Management Associates, Inc.; Neo, Inc.; David Lovelace, D.O.; Russell Martz, D.O.; and Deepak Jaiswal, D.O., to transfer of their respective following actions to the United States District Court for the District of Minnesota:

Northern District of California

Irene Kocol, etc. v. Guidant Corp., et al., C.A. No. 5:06-6537

Eastern District of Oklahoma

Jimmy Hammond, et al. v. Health Management Associates, Inc., et al., C.A. No. 6:06-527

MDL-1718 -- In re Ford Motor Co. Speed Control Deactivation Switch Products Liability Litigation

Opposition of plaintiffs Nationwide Insurance Co. of Florida, et al., to transfer of the following action to the United States District Court for the Eastern District of Michigan:

Middle District of Florida

Nationwide Insurance Co. of Florida, et al. v. Ford Motor Co., Inc., et al.,
C.A. No. 3:06-982

MDL-1789 -- In re Fosamax Products Liability Litigation

Oppositions of plaintiffs Nancy Ferraro, et al.; Jennifer Bogard, et al.; and Edna Goya to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Central District of California

Nancy Ferraro, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-7733

MDL-1789 (Continued)

Northern District of California

Jennifer Bogard, et al. v. Merck & Co., Inc., et al., C.A. No. 3:06-6917

Southern District of California

Edna Goya v. Merck & Co., Inc., et al., C.A. No. 3:06-2574

MDL-1798 -- In re Long-Distance Telephone Service Federal Excise Tax Refund Litigation

Oppositions of plaintiffs Anthony Belloni, et al., and MDL-1798 plaintiffs Virginia Sloan, et al., to transfer of the following action to the United States District Court for the District of District of Columbia:

Southern District of New York

Anthony Belloni, et al. v. Verizon Communications, Inc., et al., C.A. No. 1:06-11459

MDL-1811 -- In re LLRice 601 Contamination Litigation

Oppositions of plaintiffs Randy Schafer, et al.; Ephron H. Lewis, et al.; and The Simpson Co. to transfer of their respective following actions to the United States District Court for the Eastern District of Missouri:

Eastern District of Arkansas

Randy Schafer, et al. v. Riceland Foods, Inc., et al., C.A. No. 4:06-1407

Western District of Louisiana

Ephron H. Lewis, et al. v. Bayer CropScience, LP, et al., C.A. No. 6:06-2334

Southern District of Texas

The Simpson Co. v. Bayer CropScience, LP, et al., C.A. No. 3:06-791

MDL-1829 -- In re Vision Service Plan Tax Litigation

Motion of plaintiffs Vision Service Plan Insurance Company; Vision Service Plan, Inc.; Eastern Vision Service Plan, Inc.; and Vision Service Plan and defendant United States of America for centralization of the following actions in the United States District Court for the Southern District of Ohio:

District of Connecticut

Vision Service Plan Insurance Co. v. United States of America, C.A. No. 3:06-959
Vision Service Plan Insurance Co. v. United States of America, C.A. No. 3:06-960

District of Nevada

Vision Service Plan, Inc. v. United States of America, C.A. No. 3:06-349

Northern District of New York

Eastern Vision Service Plan, Inc. v. United States of America, C.A. No. 1:06-776

Southern District of Ohio

Vision Service Plan v. United States of America, C.A. No. 2:06-501

PROCEDURES FOR ORAL ARGUMENT BEFORE THE
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re “East of the Rockies” Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.