

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
J. Frederick Motz
United States District Court
District of Maryland

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

Kathryn H. Vratil
United States District Court
District of Kansas

David R. Hansen
United States Court of Appeals
Eighth Circuit

W. Royal Furgeson, Jr.
United States District Court
Northern District of Texas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

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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April 23, 2009

NOTICE OF HEARING SESSION
(First Day)

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: Wednesday, May 27, 2009

LOCATION OF HEARING SESSION: Gene Snyder U.S. Courthouse
Courtroom 1
601 West Broadway
Louisville, Kentucky 40202

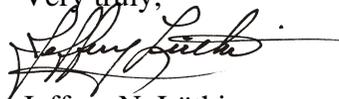
TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **1:00 p.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **2:00 p.m.**

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 **May 11, 2009**. 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 Kentucky

Apr 23, 2009

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

FILED
CLERK'S OFFICE

HEARING SESSION ORDER

The Panel issues the following orders in connection with its next hearing session,

IT IS ORDERED that on Wednesday, May 27, 2009, the Panel will convene a hearing session in Louisville, Kentucky, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

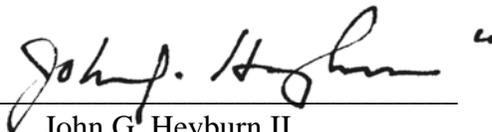
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that the Panel will hear oral argument on the matters listed on Section A of the attached Schedule, unless the parties waive oral argument or unless the Panel later decides to dispense with oral argument pursuant to Panel Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

IT IS FURTHER ORDERED that the Panel will consider without oral argument the matters listed on Section B of the attached Schedule pursuant to Panel Rule 16.1(c). *Id.* The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to designate any of those matters for oral argument. *Id.*

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.

PANEL ON MULTIDISTRICT LITIGATION:



John G. Heyburn II
Chairman

J. Frederick Motz
Kathryn H. Vratil
W. Royal Furgeson, Jr.

Robert L. Miller, Jr.
David R. Hansen
Frank C. Damrell, Jr.

SCHEDULE OF MATTERS FOR HEARING SESSION
Wednesday May 27, 2009 -- Louisville, Kentucky

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL No. 2030 -- **IN RE: MERRILL LYNCH & CO., INC., AUCTION RATE
SECURITIES (ARS) MARKETING LITIGATION**

Motion of defendants Merrill Lynch & Co., Inc.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; and Merrill Lynch Capital Services, Inc., for centralization of the following actions in the United States District Court for the Southern District of New York:

Eastern District of Kentucky

Community Trust Bank, Inc. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.,
C.A. No. 7:08-231

Eastern District of Louisiana

Louisiana Stadium & Exposition District, et al. v. Financial Guaranty Insurance Co.,
et al., C.A. No. 2:09-235

District of Massachusetts

The Cooperative Bank, et al. v. Merrill Lynch, Pierce, Fenner & Smith, Inc., et al.,
C.A. No. 1:08-12042

Southern District of New York

In re Merrill Lynch Auction Rate Securities Litigation, C.A. No. 1:08-3037

Southern District of Texas

Max Blankfeld, et al. v. Merrill Lynch & Co., Inc., et al., C.A. No. 4:09-162

MDL No. 2031 -- **IN RE: DAIRY FARMERS OF AMERICA, INC., CHEESE
ANTITRUST LITIGATION**

Motion, as amended, of defendant Dairy Farmers of America, Inc., for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Middle District of Florida

Francisco Hernandez v. Dairy Farmers of America, Inc., C.A. No. 8:09-165

Northern District of Illinois

Adam Properties, Inc. v. Dairy Farmers of America, Inc., et al., C.A. No. 1:08-7232

Stew Leonard's Inc. v. Dairy Farmers of America, Inc., et al., C.A. No. 1:08-7394

Valley Gold LLC v. Dairy Farmers of America, Inc., et al., C.A. No. 1:09-387

Indriolo Distributors, Inc. v. Dairy Farmers of America, Inc., et al., C.A. No. 1:09-1599

MDL No. 2032 -- **IN RE: CHASE BANK USA, N.A., "CHECK LOAN" CONTRACT
LITIGATION**

Motion of plaintiffs Michael E. Moore, et al., for centralization of certain of the following actions in the United States District Court for the Central District of California and motion of plaintiffs Brian Woods, et al., for centralization of the following actions in the United States District Court for the Central District of California:

Central District of California

Brian Woods, et al. v. JP Morgan Chase & Co., et al., C.A. No. 2:09-683

David Laakman v. Chase Bank USA, N.A., C.A. No. 2:09-1190

Northern District of California

Michael E. Moore, et al. v. Chase Bank USA, N.A., C.A. No. 3:09-348

Eugene Reede Stockton v. Chase Bank USA, N.A., C.A. No. 3:09-587

Timothy A. Sauer v. Chase Bank USA, N.A., C.A. No. 3:09-809

Kathy K. Moon v. Chase Bank USA, N.A., C.A. No. 3:09-830

MDL No. 2032 (Continued)

Northern District of Illinois

Margaret A. Foshe v. Chase Bank USA, N.A., C.A. No. 3:09-50036

District of New Jersey

Rex Glensy, et al. v. Chase Bank USA, N.A., et al., C.A. No. 1:09-981

Eastern District of New York

Gregory Goodman, et al. v. Chase Bank USA, N.A., C.A. No. 2:09-626

Southern District of New York

James Carnahan v. Chase Bank USA, N.A., C.A. No. 1:09-1321
Robert R. Glenn v. Chase Bank USA, N.A., C.A. No. 1:09-1898

Northern District of Ohio

Evie Boulas v. JP Morgan Chase & Co., C.A. No. 1:09-348

District of Oregon

Charles Clausen v. Chase Bank USA, N.A., C.A. No. 1:09-3017

Western District of Washington

Scott Miller, et al. v. JP Morgan Chase & Co., et al., C.A. No. 2:09-263

MDL No. 2034 -- **IN RE: COMCAST CORP. SET-TOP CABLE TELEVISION BOX
ANTITRUST LITIGATION**

Motion of plaintiff Eric Holt for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

Eastern District of California

Cheryl Corralejo v. Comcast Corp., C.A. No. 2:08-2863

Northern District of California

Kevin Ahaesy v. Comcast Corp., et al., C.A. No. 3:09-612

Northern District of Illinois

Debra L. Koller v. Comcast Corp., C.A. No. 1:08-6362
Glenn R. Sowizrol v. Comcast Corp., et al., C.A. No. 1:09-564
Lucas Mays v. Comcast Corp., C.A. No. 1:09-670

Eastern District of Pennsylvania

Barbara Morrow, et al. v. Comcast Corp., et al., C.A. No. 2:09-128
Robert Uff v. Comcast Corp., et al., C.A. No. 2:09-636
Eric Holt v. Comcast Corp., et al., C.A. No. 2:09-637

Southern District of West Virginia

Sheila Hunt v. Comcast Corp., et al., C.A. No. 3:09-131

MDL No. 2035 -- **IN RE: RBS WORLDPAY, INC., CUSTOMER DATA SECURITY
BREACH LITIGATION**

Motion of defendant RBS WorldPay, Inc., for centralization of the following actions in the United States District Court for the Northern District of Georgia:

Northern District of Georgia

Keith Irwin, et al. v. RBS WorldPay, Inc., C.A. No. 1:09-33

MDL No. 2035 (Continued)

Northern District of Ohio

Jacqueline Lewis-Griffin v. RBS WorldPay, Inc., C.A. No. 1:09-274

MDL No. 2036 -- **IN RE: CHECKING ACCOUNT OVERDRAFT LITIGATION**

Motion of plaintiff Ralph Tornes for centralization of the following actions in the United States District Court for the Southern District of Florida:

Southern District of Florida

Melanie L. Garcia v. Wachovia Bank, N.A., C.A. No. 1:08-22463

Ralph Tornes v. Bank of America, N.A., C.A. No. 1:08-23323

District of New Jersey

Ryan Phillip Pena v. Wachovia Bank, N.A., C.A. No. 1:08-5263

MDL No. 2037 -- **IN RE: AIR CRASH OVER MAKASSAR STRAIT, SULAWESI,
INDONESIA, ON JANUARY 1, 2007**

Motion of defendant The Boeing Company for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

Jimmy Lendo, et al. v. World Star Aviation, Ltd., et al., C.A. No. 3:09-359

Northern District of Illinois

Sumini, et al. v. The Boeing Co., et al., C.A. No. 1:09-549

Frans Errain Wuisan, et al. v. The Boeing Co., et al., C.A. No. 1:09-556

**MDL No. 2039 -- IN RE: SEPRACOR INC. FAIR LABOR STANDARDS ACT (FLSA)
LITIGATION**

Motion of defendant Sepracor Inc. for centralization of the following actions in the United States District Court for the Middle District of Florida or, in the alternative, the United States District Court for the District of Massachusetts:

District of Arizona

Leah Greeves, et al. v. Sepracor Inc., C.A. No. 2:08-920

Middle District of Florida

Rhonda Sharp, et al. v. Sepracor Inc., C.A. No. 6:08-1178

**MDL No. 2040 -- IN RE: CONOCOPHILLIPS CO. SERVICE STATION RENT
CONTRACT LITIGATION**

Motion of defendant ConocoPhillips Company for centralization of the following actions in the United States District Court for the Northern District of California:

Central District of California

K S 4000 Inc. v. ConocoPhillips Co., C.A. No. 2:08-8544
HM Khosh Inc. v. ConocoPhillips Co., C.A. No. 2:08-8546
NRU Inc. v. ConocoPhillips Co., C.A. No. 2:08-8548
RHA Inc. v. ConocoPhillips Co., C.A. No. 2:08-8549
4JR Enterprises Inc. v. ConocoPhillips Co., C.A. No. 2:09-164
Rohinton F. Irani v. ConocoPhillips Co., C.A. No. 2:09-223

Eastern District of California

Denmuller Mechanical Inc. v. ConocoPhillips Co., C.A. No. 2:08-3007

Northern District of California

Damar Petroleum, Inc. v. ConocoPhillips Co., C.A. No. 5:08-5436
Matthew E. Horton v. ConocoPhillips Co., C.A. No. 5:08-5437
Kyoung Suk Rho v. ConocoPhillips Co., C.A. No. 5:08-5545
Hamilton Associates FLP v. ConocoPhillips Co., C.A. No. 5:08-5763

MDL No. 2040 (Continued)

Southern District of California

AA Rancho Inc. v. ConocoPhillips Co., C.A. No. 3:09-42

MDL No. 2041 -- **IN RE: FENTANYL CITRATE BUCCAL TABLETS PATENT
LITIGATION**

Motion of plaintiffs Cephalon, Inc., et al., for centralization of the following actions in the United States District Court for the District of Delaware:

District of Delaware

Cephalon, Inc., et al. v. Watson Pharmaceuticals, Inc., et al., C.A. No. 1:08-330
Cephalon, Inc., et al. v. Barr Pharmaceuticals, Inc., et al., C.A. No. 1:08-455
Cephalon, Inc., et al. v. Barr Pharmaceuticals, Inc., et al., C.A. No. 1:08-810
Cephalon, Inc., et al. v. Barr Pharmaceuticals, Inc., et al., C.A. No. 1:09-74

District of Nevada

Cephalon, Inc., et al. v. Watson Pharmaceuticals, Inc., et al., C.A. No. 3:08-308

MDL No. 2042 -- **IN RE: REFRIGERANT COMPRESSORS ANTITRUST LITIGATION**

Motion of plaintiff LeBlanc & Associates, Inc., for centralization of certain of the following actions in the United States District Court for the District of New Jersey; motion of plaintiff Gateway KGMP Development, Inc., for centralization of certain of the following actions in the United States District Court for the Eastern District of Michigan; and motion of plaintiff St. Boni Farm Store Corp. for centralization of certain of the following actions in the United States District Court for the District of New Jersey:

Eastern District of Michigan

Gateway KGMP Development, Inc. v. Tecumseh Products Co., et al.,
C.A. No. 2:09-10710

MDL No. 2042 (Continued)

Eastern District of Michigan (Continued)

Kelly Higashi, et al. v. Tecumseh Products Co., et al., C.A. No. 2:09-10720
Don Walter Kitchen Distributors, Inc. v. Tecumseh Products Co., et al.,
C.A. No. 2:09-10737
Acme of Jamestown, Inc., et al. v. Tecumseh Products Co., et al., C.A. No. 2:09-10745
WPC 1, Inc., etc. v. Tecumseh Products Co., et al., C.A. No. 2:09-10791

District of New Jersey

LeBlanc & Associates, Inc. v. Tecumseh Products Co., et al., C.A. No. 2:09-892
Rona Distributors, Inc. v. Whirlpool Corp., et al., C.A. No. 2:09-906
St. Boni Farm Store Corp. v. Tecumseh Products Co., et al., C.A. No. 2:09-947

MDL No. 2043 -- **IN RE: CITIGROUP, INC., AUCTION RATE SECURITIES (ARS)
MARKETING LITIGATION (NO. II)**

Motion of defendants Citigroup, Inc.; Citigroup Global Markets, Inc.; and Brian Williams for centralization of the following actions in the United States District Court for the Southern District of New York:

Southern District of New York

John Finn v. Smith Barney, et al., C.A. No. 1:08-2975
In Re Citigroup Auction Rate Securities Litigation, C.A. No. 1:08-3095

Western District of Pennsylvania

American Eagle Outfitters, Inc., et al. v. Citigroup Global Markets, Inc.,
C.A. No. 2:09-138

**MDL No. 2044 -- IN RE: VERTRUUE INC. MARKETING AND SALES PRACTICES
LITIGATION**

Motion of plaintiffs Phyllis Callahan; Michael Waslin; and Preston Smith, et al., for centralization of the following actions in the United States District Court for the Southern District of California:

Southern District of California

Phyllis Callahan v. Vertrue Inc., et al., C.A. No. 3:09-236

District of Connecticut

Michael Waslin v. Vertrue Inc., et al., C.A. No. 3:09-106

Northern District of Ohio

Preston Smith, et al. v. Vertrue Inc., et al., C.A. No. 1:09-367

MDL No. 2045 -- IN RE: APPLE IPHONE G3 PRODUCTS LIABILITY LITIGATION

Motion of defendant Apple Inc. for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

Jacob Medway v. Apple, Inc., C.A. No. 3:09-330

James R. Pittman v. Apple, Inc., C.A. No. 5:08-5375

Haig P. Ashikian v. Apple, Inc., et al., C.A. No. 5:08-5810

Peter Keller v. Apple, Inc., C.A. No. 5:09-121

William J. Gillis, Jr. v. Apple Computer, Inc., et al., C.A. No. 5:09-122

Aaron Walters v. Apple, Inc., C.A. No. 5:09-187

Eulardi Tanseco v. Apple, Inc., et al., C.A. No. 5:09-275

Jessica Alena Smith, et al. v. Apple, Inc., C.A. No. 5:09-1028

Southern District of Florida

Onel Gonzalez, et al. v. Apple, Inc., et al., C.A. No. 1:09-20258

MDL No. 2045 (Continued)

District of New Jersey

Timothy Ritchie v. Apple, Inc., et al., C.A. No. 2:09-456

Eastern District of New York

Avi Koschitzki v. Apple, Inc., et al., C.A. No. 1:08-4451

Eastern District of Texas

Alyce R. Payne, et al. v. Apple, Inc., et al., C.A. No. 4:09-42

MDL No. 2046 -- **IN RE: HEARTLAND PAYMENT SYSTEMS, INC., CUSTOMER
DATA SECURITY BREACH LITIGATION**

Motion of defendant Heartland Payment Systems, Inc., for centralization of the following actions in the United States District Court for the Southern District of Texas:

Middle District of Alabama

Steve Brown, et al. v. Heartland Payment Systems, Inc., C.A. No. 2:09-86

District of Arizona

Scott Swenka v. Heartland Payment Systems, Inc., C.A. No. 2:09-179

Eastern District of California

Mark Hilliard v. Heartland Payment Systems, Inc., C.A. No. 1:09-219

Southern District of California

Juan M. Mata v. Heartland Payment Systems, Inc., C.A. No. 3:09-376

MDL No. 2046 (Continued)

Northern District of Florida

Robert M. Read v. Heartland Payment Systems, Inc., C.A. No. 3:09-35

Southern District of Florida

Ana Balloveras v. Heartland Payment Systems, Inc., C.A. No. 1:09-20326

District of Kansas

Jason Barrett, et al. v. Heartland Payment Systems, Inc., C.A. No. 2:09-2053

Western District of Missouri

Darryl McLaughlin v. Heartland Payment Systems, Inc., C.A. No. 6:09-3069

District of New Jersey

Loretta A. Sansom, et al. v. Heartland Payment Systems, Inc., C.A. No. 3:09-335

Moises Merino v. Heartland Payment Systems, Inc., C.A. No. 3:09-439

Talal Kaissi v. Heartland Payment Systems, Inc., C.A. No. 3:09-540

Lone Summit Bank v. Heartland Payment Systems, Inc., C.A. No. 3:09-581

Kenneth Hinton v. Heartland Payment Systems, Inc., C.A. No. 3:09-594

Tricentury Bank, et al. v. Heartland Payment Systems, Inc., C.A. No. 3:09-697

Amalgamated Bank, et al. v. Heartland Payment Systems, Inc., C.A. No. 3:09-776

Jason J. Rose v. Heartland Payment Systems, Inc., C.A. No. 3:09-917

Northern District of Ohio

Colleen McGinty, et al. v. Heartland Payment Systems, Inc., C.A. No. 1:09-244

Southern District of Texas

Robert D. Watson v. Heartland Payment Systems, Inc., C.A. No. 4:09-325

Lone Star National Bank, N.A. v. Heartland Payment Systems, Inc., C.A. No. 7:09-64

MDL No. 2046 (Continued)

Eastern District of Wisconsin

Arthur Anderson, et al. v. Heartland Payment Systems, Inc., C.A. No. 2:09-113

MDL No. 2047 -- **IN RE: CHINESE-MANUFACTURED DRYWALL PRODUCTS
LIABILITY LITIGATION**

Motion of plaintiffs Karin Vickers, et al., for centralization of certain of the following actions in the United States District Court for the Southern District of Florida and motion of plaintiff Kristin Morgan Culliton for centralization of the following actions in the United States District Court for the Southern District of Florida:

Middle District of Florida

Shane M. Allen, et al. v. Knauf Plasterboard (Tianjin) Co., Ltd., et al., C.A. No. 2:09-54
Duane Ankney v. Knauf Gips KG, et al., C.A. No. 2:09-166
Kristin Morgan Culliton v. Taylor Morrison Services, Inc., et al., C.A. No. 8:09-589

Northern District of Florida

The Mitchell Co., Inc. v. Knauf Gips KG, et al., C.A. No. 3:09-89

Southern District of Florida

Lawrence Riesz, et al. v. Knauf Plasterboard (Tianjin) Co., Ltd., et al.,
C.A. No. 0:09-60371
Karin Vickers, et al. v. Knauf Gips KG, et al., C.A. No. 1:09-20510
Lorena Garcia, et al. v. Lennar Corp., et al., C.A. No. 1:09-20739
Janet Morris-Chin, et al. v. Knauf Plasterboard (Tianjin) Co., Ltd., et al.,
C.A. No. 1:09-20796

Eastern District of Louisiana

Jill M. Donaldson, et al. v. Knauf Gips KG, et al., C.A. No. 2:09-2981

MDL No. 2047 (Continued)

Southern District of Ohio

Steven Minafri v. M/I Homes, Inc., et al., C.A. No. 2:09-167

MDL No. 2048 -- **IN RE: COX ENTERPRISES, INC., SET-TOP CABLE TELEVISION
BOX ANTITRUST LITIGATION**

Motion of defendants Cox Enterprises, Inc.; Cox Communications, Inc.; Cox Communications Louisiana, LLC; Cox Communications New Orleans, Inc.; and CoxCom, Inc., for centralization of the following actions in the United States District Court for the Middle District of Georgia:

District of Arizona

Bradley Gelder v. CoxCom, Inc., C.A. No. 2:09-456

Middle District of Georgia

Patti Duke, et al. v. Cox Enterprises, Inc., C.A. No. 5:09-83

Eastern District of Louisiana

Melissa Wilson Berniard v. Cox Communications New Orleans, Inc., et al.,
C.A. No. 2:09-2996

Jeremy Soso v. Cox Enterprises, Inc., et al., C.A. No. 2:09-3022

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL No. 875 -- IN RE: ASBESTOS PRODUCTS LIABILITY LITIGATION (NO. VI)

Oppositions of plaintiffs Frank J. Williams, Jr.; Joseph A. Matuska, et al.; Gerald L. Hoffeditz, et al.; and Francis Bruce Travis to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Eastern District of Louisiana

Frank J. Williams, Jr. v. Lockheed Martin Corp., et al., C.A. No. 2:09-65

District of New Jersey

Joseph A. Matuska, et al. v. ABB, Inc., et al., C.A. No. 2:09-193

Gerald L. Hoffeditz, et al. v. AM General, LLC, et al., C.A. No. 2:09-257

Southern District of New York

Francis Bruce Travis v. 3M Co., et al., C.A. No. 1:08-11010

**MDL No. 1456 -- IN RE: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE
PRICE LITIGATION**

Opposition of plaintiff United States of America to transfer of the following action to the United States District Court for the District of Massachusetts:

Southern District of Florida

United States of America, et al. v. Bristol-Myers Squibb Co., et al., C.A. No. 1:95-1354

MDL No. 1535 -- IN RE: WELDING FUME PRODUCTS LIABILITY LITIGATION

Opposition of plaintiff Janice M. Emerson to transfer of the following action to the United States District Court for the Northern District of Ohio:

Western District of Missouri

Janice M. Emerson v. Lincoln Electric Holdings, Inc., C.A. No. 5:09-6004

MDL No. 1562 -- IN RE: GENERAL MOTORS CORP. VEHICLE COOLING SYSTEM PRODUCTS LIABILITY LITIGATION

Opposition of plaintiffs Mark Glover and Michael Oppido to transfer of their respective following actions to the United States District Court for the Southern District of Illinois:

District of Arizona

Mark Glover v. General Motors Corp., C.A. No. 2:09-236

Northern District of California

Michael Oppido v. General Motors Corp., C.A. No. 3:09-426

MDL No. 1626 -- IN RE: ACCUTANE PRODUCTS LIABILITY LITIGATION

Oppositions of plaintiffs Manon Mathews and Taimaz Sarli to transfer of their respective following actions to the United States District Court for the Middle District of Florida:

Central District of California

Manon Mathews v. Mylan, Inc., et al., C.A. No. 2:08-8253

Middle District of North Carolina

Taimaz Sarli v. Mylan Bertek Pharmaceuticals, Inc., et al., C.A. No. 1:08-910

MDL No. 1657 -- **IN RE: VIOXX MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION**

Opposition of plaintiffs Gene Weeks, et al., to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

District of New Jersey

Gene Weeks, et al. v. Merck & Co., Inc., C.A. No. 1:09-565

MDL No. 1663 -- **IN RE: INSURANCE BROKERAGE ANTITRUST LITIGATION**

Opposition of defendants Marsh USA, Inc.; Marsh & McLennan Cos., Inc.; Marsh, Inc.; and John Hansen to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the District of Arizona:

District of New Jersey

U-Haul Federal Credit Union, et al. v. Marsh USA, Inc., et al., C.A. No. 3:06-593
(D. Arizona C.A. No. 2:05-3791)

MDL No. 1715 -- **IN RE: AMERIQUEST MORTGAGE CO. MORTGAGE LENDING
PRACTICES LITIGATION**

Opposition of plaintiffs Stephen M. Maxwell, et al., to transfer of the following action to the United States District Court for the Northern District of Illinois:

Southern District of Ohio

Stephen M. Maxwell, et al. v. ACC Capital Holdings Corp., et al.,
Bky. Advy. No. 3:08-3131

MDL No. 1715 (Continued)

Motions of defendants Argent Mortgage Company, LLC; Ameriquest Mortgage Company; WM Specialty Mortgage LLC; and Washington Mutual Bank to transfer their respective following actions to the United States District Court for the Northern District of Illinois:

Northern District of California

Eleanor Marie MacDonnell v. Argent Mortgage Co., LLC, et al.,
Bky. Advy. No. 4:07-4183

District of Massachusetts

Donna M. DiMare v. Ameriquest Mortgage Co., et al., Bky. Advy. No. 1:08-1046

District of Rhode Island

Laurie J. Gonzalez v. WM Specialty Mortgage, LLC, et al., Bky. Advy. No. 1:08-1047

MDL No. 1721 -- **IN RE: CESSNA 208 SERIES AIRCRAFT PRODUCTS LIABILITY
LITIGATION**

Oppositions of plaintiffs Patrick O'Brien, et al., and MDL-1721 plaintiffs' liaison counsel to transfer of the following action to the United States District Court for the District of Kansas:

District of Nebraska

Patrick O'Brien, et al. v. Cessna Aircraft Co., et al., C.A. No. 8:09-40

MDL No. 1760 -- **IN RE: AREDIA AND ZOMETA PRODUCTS LIABILITY
LITIGATION**

Opposition of defendant Darrell Voorhees, D.D.S., to transfer of the following action to the United States District Court for the Middle of District of Tennessee:

District of Utah

Thomas Anderson, et al. v. Novartis Pharmaceuticals Corp., et al., C.A. No. 2:09-105

Oppositions of plaintiffs Ben J. Smith, et al., and defendants Bedford Laboratories; Hospira, Inc.; APP Pharmaceuticals, Inc.; and Teva Parenteral Medicines, Inc., to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Northern District of Florida:

Middle District of Tennessee

Ben J. Smith, et al. v. Novartis Pharmaceuticals Corp., C.A. No. 3:09-203 (N.D. Florida, C.A. No. 1:09-13)

MDL No. 1769 -- **IN RE: SEROQUEL PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff State of South Carolina ex rel. Henry McMaster to transfer of the following action to the United States District Court for the Middle District of Florida:

District of South Carolina

State of South Carolina ex rel. Henry McMaster v. AstraZeneca Pharmaceuticals, LP, et al., C.A. No. 7:09-387

MDL No. 1789 -- **IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION**

Opposition of Dr. Bruce M. Psaty to transfer of the following action to the United States District Court for the Southern District of New York:

Western District of Washington

In Re Fosamax Products Liability Litigation, C.A. No. 2:09-10

PROCEDURES FOR ORAL ARGUMENT BEFORE THE
UNITED STATES 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.