UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

MEMBERS:
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 W. Royal Furgeson, Jr.
United States District Court
Western District of Texas

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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October 22, 2008

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: November 20, 2008

LOCATION OF HEARING SESSION: Hollings Judicial Center II
Courtroom No. VI, 4th Floor
83 Broad Street
Charleston, South Carolina 29401

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 **November 3, 2008.** 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

cc: Clerk, U.S. District Court for the District of South Carolina

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

HEARING SESSION ORDER

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

IT IS ORDERED that on November 20, 2008, the Panel will convene a hearing session in Charleston, South Carolina, 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
Robert L. Miller, Jr.
David R. Hansen
W. Royal Furgeson, Jr.

SCHEDULE OF MATTERS FOR HEARING SESSION
November 20, 2008 -- Charleston, South Carolina

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL No. 1990 -- **IN RE: NORTHSTAR EDUCATION FINANCE, INC., CONTRACT LITIGATION**

Motion of plaintiffs John M. Guidos, et al., for centralization of certain of the following actions in the United States District Court for the District of Minnesota and motion of plaintiff Jeffrey Pintar for centralization of the following actions in the United States District Court for Eastern District of Michigan or, in the alternative, the United States District Court for the District of Minnesota:

Central District of California

Jennifer So v. NorthStar Education Finance, Inc., C.A. No. 2:08-4580

Eastern District of Michigan

Jeffrey Pintar v. Northstar Education Finance, Inc., C.A. No. 2:08-13895

District of Minnesota

John M. Guidos, et al. v. NorthStar Education Finance, Inc., C.A. No. 0:08-4837

MDL No. 1991 -- **IN RE: CARDINAL HEALTH, INC., CONTRACT LITIGATION**

Motion of Gina Cantave and Ginmar Corporate Promotions, Inc., for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Northern District of Illinois

Ginmar Corporate Promotions, Inc., et al. v. Cardinal Health, Inc., C.A. No. 1:08-4109

Southern District of Ohio

Cardinal Health, Inc. v. Ginmar Corporate Promotions, Inc., C.A. No. 2:08-697

MDL No. 1992 -- **IN RE: COMCAST CORP. PEER-TO-PEER (P2P) TRANSMISSION CONTRACT LITIGATION**

Motion of defendants Comcast Corp., et al., for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Central District of California

Jordan Leigh, et al. v. Comcast of California II, Inc., et al., C.A. No. 2:08-4601

Northern District of California

Jon Hart v. Comcast of Alameda, Inc., et al., C.A. No. 3:07-6350

Northern District of Illinois

Roger Lis v. Comcast of Chicago, Inc., et al., C.A. No. 1:08-3984

District of New Jersey

Daniel Libonati, Jr. v. Comcast Cablevision of Jersey City, LLC, et al., C.A. No. 1:08-3518

District of Oregon

Robert M. Topolski v. Comcast Corp., et al., C.A. No. 3:08-852

Eastern District of Pennsylvania

Sonny Tan v. Comcast Corp., C.A. No. 2:08-2735

MDL No. 1993 -- **IN RE: POLAR BEAR ENDANGERED SPECIES ACT LISTING AND § 4(d) RULE LITIGATION**

Motion of intervenor defendant Alaska Oil & Gas Association for centralization of the following actions in the United States District Court for the District of District of Columbia or, in the alternative, the United States District Court for the District of Alaska:

Northern District of California

Center For Biological Diversity, et al. v. Dirk Kempthorne, et al., C.A. No. 4:08-1339

District of District of Columbia

Safari Club International, et al. v. Dirk Kempthorne, et al., C.A. No. 1:08-881
State of Alaska v. Dirk Kempthorne, et al., C.A. No. 1:08-1352
American Petroleum Institute, et al. v Dirk Kempthorne, et al., C.A. No. 1:08-1496

MDL No. 1994 -- **IN RE: VISTAPRINT CORP. MARKETING AND SALES PRACTICES LITIGATION**

Motion of plaintiff Laurel Hudson for centralization of certain of the following actions in the United States District Court for the District of Massachusetts and motion of defendants Vertrue Incorporated and Adaptive Marketing LLC for centralization of the following actions in the United States District Court for the Southern District of Texas:

Southern District of Alabama

Phillip Pacetti v. VistaPrint Corp., et al., C.A. No. 1:08-492

Middle District of Florida

Michael P. Bott v. VistaPrint Corp., et al., C.A. No. 8:08-1789

District of Massachusetts

Deloris Gordon v. Adaptive Marketing, LLC, et al., C.A. No. 1:08-11485
Laurel Hudson v. VistaPrint Corp., et al., C.A. No. 1:08-11543

MDL No. 1994 (Continued)

District of Nevada

Susan Olmsted v. VistaPrint, Ltd., et al., C.A. No. 2:08-1164

District of New Jersey

Renee West v. VistaPrint Corp., et al., C.A. No. 2:08-3860

Southern District of Texas

Kevin Woolley, et al. v. VistaPrint Corp., et al., C.A. No. 4:08-2355

MDL No. 1995 -- **IN RE: SET-TOP CABLE TELEVISION BOX ANTITRUST LITIGATION**

Motion of defendants Time Warner Cable Inc., and Time Warner Inc., for centralization of the following actions in the United States District Court for the Southern District of New York:

Central District of California

Angela Kaufman v. Time Warner, Inc., et al., C.A. No. 2:08-5633

Northern District of California

Jenny Lell v. Time Warner, Inc., et al., C.A. No. 3:08-3925

Southern District of California

Jeffrey Seals v. Time Warner Cable, Inc., C.A. No. 3:08-1500

District of Kansas

Matthew Meeds v. Time Warner, Inc., et al., C.A. No. 2:08-2372

MDL No. 1995 (Continued)

Western District of Missouri

Jason Dalen v. Time Warner, Inc., et al., C.A. No. 4:08-586

Southern District of New York

Les Izumi v. Time Warner, Inc., et al., C.A. No. 1:08-7616

MDL No.1996 -- **IN RE: POTASH ANTITRUST LITIGATION (NO. II)**

Motion of plaintiff Gage's Fertilizer & Grain, Inc., for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Northern District of Illinois

Gage's Fertilizer & Grain, Inc. v. Agrium, Inc., et al., C.A. No. 1:08-5192

District of Minnesota

Minn-Chem, Inc. v. Agrium, Inc., et al., C.A. No. 0:08-5162

MDL No. 1997 -- **IN RE: TEXT MESSAGING ANTITRUST LITIGATION**

Motion of plaintiffs Vaughanzella Smith-Howard, et al., and Kevin Konkel, et al., for centralization of certain of the following actions in the United States District Court for the Northern District of Illinois; motion of plaintiffs Andee Roussel, et al., for centralization of certain of the following actions in the United States District Court for the Eastern District of Louisiana or, in the alternative, the United States District Court for the Northern District of Ohio; and motion of plaintiff Kim A. Cosgrove for centralization of certain of the following actions in the United States District Court for the District of District of Columbia:

Eastern District of Arkansas

Tina L. Dillinger v. AT&T, Inc., C.A. No. 4:08-3008

MDL No. 1997 (Continued)

District of District of Columbia

Kim A. Cosgrove v. Verizon Wireless, et al., C.A. No. 1:08-1575
Marie Fernandez v. Verizon Wireless, et al., C.A. No. 1:08-1621

Northern District of Illinois

Vaughanzella Smith-Howard, et al. v. AT&T, Inc., et al., C.A. No. 1:08-5198
Kevin Konkel, et al. v. AT&T, Inc., et al., C.A. No. 1:08-5353
Mathieu Brousseau, et al. v. AT&T, Inc., et al., C.A. No. 1:08-5401

District of Kansas

Lourdes Leslie v. Sprint Nextel Corp., et al., C.A. No. 2:08-2432

Eastern District of Louisiana

Andee Roussel, et al. v. AT&T Mobility, LLC, et al., C.A. No. 2:08-4408

Southern District of Mississippi

Rodney Cain v. AT&T Mobility, LLC, et al., C.A. No. 1:08-632
Kenny Knight, et al. v. AT&T Mobility LLC, et al., C.A. No. 3:08-592

District of New Jersey

Cuneo-Leider Management & Development Corp. v. Verizon Wireless, et al., C.A. No. 3:08-4621

Northern District of Ohio

Susan Orians, et al. v. AT&T, Inc., et al., C.A. No. 3:08-2191

MDL No. 1997 (Continued)

Eastern District of Pennsylvania

Mark Reinhart v. Verizon Wireless, Inc., et al., C.A. No. 5:08-4607

District of Puerto Rico

Luis A. Maldonado-Mercado v. Verizon Wireless, Inc., et al., C.A. No. 3:08-2100

Eastern District of Texas

Joseph F. Clark v. Verizon Wireless, et al., C.A. No. 1:08-549

Northern District of Texas

Christiane Trujillo v. Verizon Wireless, et al., C.A. No. 3:08-1628

MDL No. 1998 -- **IN RE: COUNTRYWIDE FINANCIAL CORP. CUSTOMER DATA SECURITY BREACH LITIGATION**

Motion of plaintiff Thomas A. Munz for centralization of the following actions in the United States District Court for the Western District of Missouri or, in the alternative, the United States District for the District of Kansas:

Central District of California

Edmond Moses, et al. v. Countrywide Financial Corp., et al., C.A. No. 2:08-5416
Laila Elkhettab v. Countrywide Financial Corp., et al., C.A. No. 2:08-5809

Southern District of California

Kim Wickman v. Countrywide Financial Corp., et al., C.A. No. 3:08-1668

Middle District of Florida

Thomas A. Munz v. Countrywide Financial Corp., et al., C.A. No. 2:08-707

MDL No. 1998 (Continued)

Southern District of Florida

Richard Goldman, et al. v. Countrywide Financial Corp., et al., C.A. No. 0:08-61349

Western District of Missouri

Matthew B. Martin v. Countrywide Financial Corp., et al., C.A. No. 4:08-666

MDL No. 1999 -- **IN RE: LAWNMOWER ENGINE HORSEPOWER MARKETING AND SALES PRACTICES LITIGATION (NO. II)**

Motion of defendants Sears, Roebuck and Co.; Deere & Company; Tecumseh Products Company; Briggs & Stratton Corp.; Kawasaki Motors Corp. U.S.A.; The Toro Company; Electrolux Home Products, Inc.; The Kohler Company; Husqvarna Outdoor Products, Inc.; and Platinum Equity, LLC for centralization of the following actions in the United States District Court for the Southern District of Illinois or, in the alternative, the United States District Court for the Northern District of Illinois:

Middle District of Alabama

Jesse Crew, et al. v. Sears, Roebuck & Co., et al., C.A. No. 2:08-715
Robert Wright v. Sears, Roebuck & Co., et al., C.A. No. 2:08-759

Northern District of California

Carl Phillips, et al. v. Sears, Roebuck & Co., et al., C.A. No. 4:08-2671
Estaban Marvilla v. Sears, Roebuck & Co., et al., C.A. No. 4:08-3202

Middle District of Florida

Deborah Day v. Sears, Roebuck & Co., et al., C.A. No. 6:08-1478

Southern District of Florida

Jason R. Borras, et al. v. Sears, Roebuck & Co., et al., C.A. No. 0:08-61309

MDL No. 1999 (Continued)

Southern District of Illinois

Ronnie Phillips, et al. v. Sears, Roebuck & Co., et al., C.A. No. 3:06-412

District of Maryland

Kenneth Purce v. Sears, Roebuck & Co., et al., C.A. No. 1:08-2317

District of Minnesota

Jay Moore, et al. v. Sears, Roebuck & Co., et al., C.A. No. 0:08-5021

District of Montana

Kenneth J. Doppler, et al. v. Sears, Roebuck & Co., et al., C.A. No. 9:08-123

District of Nebraska

Eric L. Hunter, et al. v. Sears, Roebuck & Co., et al., C.A. No. 4:08-3170

District of New Jersey

William Fritz v. Sears, Roebuck & Co., et al., C.A. No. 3:08-2545

Eastern District of New York

Scott Hinrichs v. Sears, Roebuck & Co., et al., C.A. No. 2:08-3256

Southern District of New York

Kevin Bowen, et al. v. Sears, Roebuck & Co., et al., C.A. No. 1:08-7223

Western District of North Carolina

Matthew J. Baskerville v. Sears, Roebuck & Co., et al., C.A. No. 3:08-385
Thomas Luckman v. Sears, Roebuck & Co., et al., C.A. No. 5:08-95

MDL No. 1999 (Continued)

Northern District of Ohio

James E. Gallucci, et al. v. Sears, Roebuck & Co., et al., C.A. No. 1:08-1988
Richard L. Immerman, et al. v. Sears, Roebuck & Co., et al., C.A. No. 1:08-2112

Eastern District of Pennsylvania

David Tshudy, et al. v. Sears, Roebuck & Co., et al., C.A. No. 2:08-3802

District of South Dakota

Mike Kaitfors, et al. v. Sears, Roebuck & Co., et al., C.A. No. 4:08-4135

Eastern District of Tennessee

Jack Champion, et al. v. Sears, Roebuck & Co., et al., C.A. No. 4:08-62

Eastern District of Texas

Gene Bennett, et al. v. Sears, Roebuck & Co., et al., C.A. No. 2:08-344
Phillip A. Hoeker v. Sears, Roebuck & Co., et al., C.A. No. 2:08-350

MDL No. 2000 -- **IN RE: U.S.A. EXTERMINATORS, INC., FAIR LABOR STANDARDS ACT (FLSA) LITIGATION**

Motion of defendants U.S.A. Exterminators, Inc.; Phil Aron; and John Does #1-10 for centralization of the following actions in the United States District Court for the Eastern District of New York:

Eastern District of New York

Willie Earl Johnson v. U.S.A. Exterminators, Inc., et al., C.A. No. 1:08-3079

Southern District of New York

Nestor Ortiz, Jr. v. U.S.A. Exterminators, Inc., et al., C.A. No. 1:08-6769

MDL No. 2001 -- **IN RE: WHIRLPOOL CORP. FRONT-LOADING WASHER PRODUCTS LIABILITY LITIGATION**

Motion of defendants Whirlpool Corp. and Sears, Roebuck & Co. for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Northern District of Illinois

Susan Munch, et al. v. Sears, Roebuck & Co., C.A. No. 1:06-7023
Bryan Seratt, et al. v. Sears, Roebuck & Co., C.A. No. 1:07-412
Charles Napoli, et al. v. Sears, Roebuck & Co., C.A. No. 1:08-1832
Pramila Gardner, et al. v. Whirlpool Corp., C.A. No. 1:08-3555

District of New Jersey

Bonnie Beierschmitt, et al. v. Whirlpool Corp., C.A. No. 1:08-3177
Sonja Sandholm-Pound, et al. v. Whirlpool Corp., C.A. No. 1:08-4098

Southern District of New York

Donna Seeherman, et al v. Whirlpool Corp., C.A. No. 1:08-7289

Northern District of Ohio

Gina Glazer v. Whirlpool Corp., C.A. No. 1:08-1624

MDL No. 2002 -- **IN RE: PROCESSED EGG PRODUCTS ANTITRUST LITIGATION**

Motion of plaintiff ZaZa, Inc., for centralization of certain of the following actions in the United States District Court for the District of Minnesota and motion of plaintiff Somerset Industries, Inc., for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

District of Minnesota

ZaZa, Inc. v. Golden Oval Eggs, LLC, et al., C.A. No. 0:08-5262

MDL No. 2002 (Continued)

Eastern District of Pennsylvania

T.K. Ribbing's Family Restaurant v. United Egg Producers, Inc., et al., C.A. No. 2:08-4653
Somerset Industries, Inc. v. Cal-Maine Foods, Inc., et al., C.A. No. 5:08-4676

MDL No. 2003 -- **IN RE: NATIONAL CITY CORP., SECURITIES, DERIVATIVE AND EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) LITIGATION**

Motion of defendants National City Corp.; National City Bank; the Administrative Committee for the National City Savings & Investment Plan; Jon E. Barfield; James R. Bell, III; James S. Broadhurst; Christopher M. Connor; Jon N. Couture; David A. Daberko; Daniel J. Frate; John D. Gelhausen; Paul D. Geraghty; James P. Gulick; Bernadine P. Healy; Jeffrey D. Kelly; Timothy J. Lathe; S. Craig Lindner; William E. MacDonald, III; Michael B. McCallister; Paul A. Ormond; Ted M. Parker; Peter E. Raskind; Philip L. Rice; Thomas A. Richlovsky; Robert C. Rowe; Shelley J. Seifert; Gerald L. Shaheen; Stephen A. Stitle; Jeffrey J. Tengel; Jerry Sue Thornton; Morry Weiss; and David L. Zoeller for centralization of the following actions in the United States District Court for the Northern District of Ohio:

Southern District of Florida

B.H. Reagan v. National City Corp., et al., C.A. No. 9:08-81078

Northern District of Ohio

James Elsinghorst, et al. v. National City Corp., et al., C.A. No. 1:08-61
Barbara Grosick v. National City Corp., et al., C.A. No. 1:08-144
Richard Lerach, etc. v. Peter E. Raskind, et al., C.A. No. 1:08-163
Robert Casey v. National City Corp., et al., C.A. No. 1:08-209
Charles Greve, etc. v. Peter E. Raskind, et al., C.A. No. 1:08-231
James W. Hass, Jr., etc. v. Peter E. Raskind, et al., C.A. No. 1:08-432
Ella R. Whitlow, et al. v. National City Corp., et al., C.A. No. 1:08-575
Rodolfo Rannallo, Jr., et al. v. National City Corp., et al., C.A. No. 1:08-590
Charles C. Gunning v. National City Corp., et al., C.A. No. 1:08-724
George Rithianos v. National City Corp., et al., C.A. No. 1:08-751

MDL No. 2003 (Continued)

Northern District of Ohio (Continued)

Deborah Douglas v. National City Corp., et al., C.A. No. 1:08-952
Lisa Parker, et al. v. National City Corp., et al., C.A. No. 1:08-1247

MDL No. 2004 -- **IN RE: MENTOR CORP., OBTAPE TRANSOBTURATOR SLING PRODUCTS LIABILITY LITIGATION**

Motion of defendant Mentor Corp. for centralization of the following actions in the United States District Court for the Western District of Oklahoma or in the United States District Court for the Northern District of Oklahoma or, in the alternative, the United States District Court for the Northern District of Ohio:

Central District of California

Suzanne Crews, et al. v. Mentor Corp., C.A. No. 2:08-434

Middle District of Florida

Melissa Bush, et al. v. Mentor Corp., C.A. No. 3:07-1155
Theresa Allen v. Mentor Corp., C.A. No. 3:08-11
Mary Ann Cree, et al. v. Mentor Corp., C.A. No. 3:08-171
Barbara Ford, et al. v. Mentor Corp., C.A. No. 3:08-808

Middle District of Georgia

Barbara Parker, et al. v. Mentor Corp., C.A. No. 3:07-88
Shirley Stafford, et al. v. Mentor Corp., C.A. No. 3:07-101
Valerie Booth, et al. v. Mentor Corp., C.A. No. 3:07-102
Gail Dover, et al. v. Mentor Corp., C.A. No. 3:07-130
Barbara Peterson, et al. v. Mentor Corp., C.A. No. 3:07-135

Northern District of Georgia

Cheryl Grisson v. Mentor Corp., C.A. No. 1:08-2391

MDL No. 2004 (Continued)

Southern District of Georgia

Shirlee Yoder, et al. v. Mentor Corp., C.A. No. 1:08-36

Eastern District of Louisiana

Nancy Pace v. Mentor Corp., C.A. No. 2:08-1361

Western District of Missouri

Debbie Scotten, et al. v. Mentor Corp., C.A. No. 3:08-5089

District of New Jersey

Christina LaRocca, et al. v. Mentor Corp., C.A. No. 1:08-3867
Geraldine Doria, et al. v. Mentor Corp., C.A. No. 2:08-1634

Eastern District of New York

Josephine Haag, et al. v. Mentor Corp., C.A. No. 2:08-2130

Northern District of Ohio

Joni Voyk v. Mentor Corp., C.A. No. 5:08-1759

Northern District of Oklahoma

Mark McKillip, et al. v. Mentor Corp., C.A. No. 4:08-419

Western District of Oklahoma

Loretta Beaver v. Mentor Corp., C.A. No. 5:08-290
Mary Snavely, et al. v. Mentor Corp., C.A. No. 5:08-291
Carolyn Mackey, et al. v. Mentor Corp., C.A. No. 5:08-292

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL No. 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:

Central District of California

Mary T. Meredith, et al. v. Bondex International, Inc., et al., C.A. No. 2:08-4443
Margaret Neber, etc. v. SYD Carpenter Marine Contractor, Inc., et al., C.A. No. 2:08-4500
Edgardo R. Salamante, et al. v. Quintec Industries, Inc., et al., C.A. No. 2:08-4674

Northern District of California

Robert Schoelzel v. Allis-Chalmers Corp., et al., C.A. No. 3:08-3113
Norman Carveth v. Allis-Chalmers Corp. Product Liability Trust, et al., C.A. No. 3:08-3314
Harry Lemaster, et al. v. Allis-Chalmers Corp. Product Liability Trust, et al., C.A. No. 3:08-3316
Finas Belk, et al. v. Bucyrus International, Inc., et al., C.A. No. 3:08-3317

District of Delaware

Frederick Seitz, et al. v. Adel Wiggins Group, et al., C.A. No. 1:08-351
Frederick Seitz, et al. v. Adel Wiggins Group, et al., C.A. No. 1:08-353

District of District of Columbia

Armando A. Sammartino, et al. v. AC& R Insulation Co., Inc., et al., C.A. No. 1:08-967

MDL No. 875 (Continued)

District of Maryland

James Rowland Young, et al. v. AC&R Insulation Co., Inc., et al., C.A. No. 1:08-2200

Northern District of Mississippi

Patricia Tigner v. Bondex International, Inc., et al., C.A. No. 2:08-166

Southern District of New York

Ernesto Miranda, et al. v. Northrop Grumman Corp., et al., C.A. No. 1:08-5491
Ernesto Miranda, et al. v. Abex Corp., et al., C.A. No. 1:08-5509

District of South Carolina

John W. Vawter, et al. v. Buffalo Pumps, Inc., et al., C.A. No. 3:08-2343
Jerry T. Hickman, et al. v. Buffalo Pumps, Inc., et al., C.A. No. 3:08-2409

Eastern District of Virginia

John Kline v. Alfa Laval, Inc., et al., C.A. No. 2:08-9380
John Kline v. Alfa Laval, Inc., et al., C.A. No. 2:08-9381
Sandra Brunson, etc. v. Alfa Laval, Inc., et al., C.A. No. 3:08-374

Opposition of defendant AstenJohnson, Inc., to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Western District of Washington:

Eastern District of Pennsylvania

Henry Barabin, et al. v. Albany International Corp., et al. (W.D. Washington, C.A. No. 2:07-1454)

MDL No. 1507 -- **IN RE: PREMPRO PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Sandra Kirkland, et al., and Rick Jasperson, etc., and defendants Pfizer Inc.; Pharmacia Corp.; Pharmacia & Upjohn LLC; Pharmacia & Upjohn Company LLC; Greenstone Ltd.; Wyeth; Wyeth Pharmaceuticals, Inc.; Wyeth-Ayerst International Inc.; and Wyeth Pharmaceuticals to transfer of their respective following actions to the United States District Court for the Eastern District of Arkansas:

District of Minnesota

Jane Bartol v. Wyeth, Inc., et al., C.A. No. 0:08-2863
Barbara Bracco v. Wyeth, Inc., et al., C.A. No. 0:08-2869
Evelyn Cotenas, et al. v. Wyeth, Inc., et al., C.A. No. 0:08-2933
Susan Freeman, et al. v. Wyeth Pharmaceuticals, Inc., et al., C.A. No. 0:08-2937
Fidella Gibbs, et al. v. Wyeth, Inc., et al., C.A. No. 0:08-2938
Betty Holder, et al. v. Wyeth, Inc., et al., C.A. No. 0:08-2945
Barbara Koch v. Wyeth, Inc., et al., C.A. No. 0:08-2948
Antoinette Lafemina v. Wyeth, Inc., et al., C.A. No. 0:08-2950
Dorothy Lynn v. Wyeth, Inc., et al., C.A. No. 0:08-3153
Gay Maddox, et al. v. Wyeth, Inc., et al., C.A. No. 0:08-3155
Algina Norris v. Wyeth, Inc., et al., C.A. No. 0:08-3159
Barbara Omar, et al. v. Wyeth, Inc, et al., C.A. No. 0:08-3176
Susan Robbins v. Wyeth, Inc, et al., C.A. No. 0:08-3179
Colleen Thoensen, et al. v. Wyeth, Inc., et al., C.A. No. 0:08-3189
Charlotte Watson v. Wyeth, Inc., et al., C.A. No. 0:08-3191
Rosemary Newcomb v. Wyeth, Inc., et al., C.A. No. 0:08-3303
Mildred Edwards, et al. v. Wyeth, et al., C.A. No. 0:08-3489
Catherine Colantuoni, et al. v. Wyeth, et al., C.A. No. 0:08-3493
Lenette Brown, et al. v. Wyeth, et al., C.A. No. 0:08-3499
Elodie Dumas, et al. v. Wyeth, et al., C.A. No. 0:08-3503
Betty Baker, et al. v. Wyeth, et al., C.A. No. 0:08-3883
Mildred Jackson, et al. v. Wyeth, et al., C.A. No. 0:08-3885
Maxine Early, et al. v. Wyeth, et al., C.A. No. 0:08-3891
Angela Boda, et al. v. Wyeth, et al., C.A. No. 0:08-3894
Sharon Tombari, et al. v. Wyeth, et al., C.A. No. 0:08-3898
Marjorie Zabinski, et al. v. Wyeth, et al., C.A. No. 0:08-3933
Maggie Aldinger, et al. v. Wyeth, et al., C.A. No. 0:08-3948
Ruth Ciastko, et al. v. Wyeth, et al., C.A. No. 0:08-3973
Harry Fitzgerald v. Wyeth, et al., C.A. No. 0:08-4445
Marain Jeanne Dooley, et al. v. Wyeth, et al., C.A. No. 0:08-4446

MDL No. 1507 (Continued)

District of Minnesota (Continued)

Delores Doktor v. Wyeth, et al., C.A. No. 0:08-4447
Kathleen Dews, et al. v. Wyeth, et al., C.A. No. 0:08-4448
Linda K. Burke v. Wyeth, et al., C.A. No. 0:08-4455
Amy Brown v. Wyeth, et al., C.A. No. 0:08-4456
Intisar Bilal, et al. v. Wyeth, et al., C.A. No. 0:08-4457
Jean Acosta, et al. v. Wyeth, et al., C.A. No. 0:08-4458
Richard Labeef, etc. v. Wyeth, et al., C.A. No. 0:08-4459
Delores Crews, et al. v. Wyeth, et al., C.A. No. 0:08-4460
Sandra Jackson, et al. v. Wyeth, et al., C.A. No. 0:08-4461
Mary Lou Heather v. Wyeth, et al., C.A. No. 0:08-4462
Linda Harben v. Wyeth, et al., C.A. No. 0:08-4463
Sandra Glover v. Wyeth, et al., C.A. No. 0:08-4464
Linda Geiger v. Wyeth, et al., C.A. No. 0:08-4465
Margo Frazier v. Wyeth, et al., C.A. No. 0:08-4466
Rose Lovering-Pavey, et al. v. Wyeth, et al., C.A. No. 0:08-4467
Sally Loster v. Wyeth, et al., C.A. No. 0:08-4468
Karen Lewis, et al. v. Wyeth, et al., C.A. No. 0:08-4469
Kenneth Reynolds v. Wyeth, et al., C.A. No. 0:08-4470
Ruby Davis, et al. v. Wyeth, et al., C.A. No. 0:08-4473
Elena Poplardo, et al. v. Wyeth, et al., C.A. No. 0:08-4479
Catherine Pirtle, et al. v. Wyeth, et al., C.A. No. 0:08-4481
Angelina Peters, et al. v. Wyeth, et al., C.A. No. 0:08-4482
Kathleen Malloy, et al. v. Wyeth, et al., C.A. No. 0:08-4483
Leina Lucas, et al. v. Wyeth, et al., C.A. No. 0:08-4484
Jack R. Treasure, etc. v. Wyeth, et al., C.A. No. 0:08-4485
Faye Tapp, et al. v. Wyeth, et al., C.A. No. 0:08-4486
Audrey Tamburo, et al. v. Wyeth, et al., C.A. No. 0:08-4487
Ruth Sellers, et al. v. Wyeth, et al., C.A. No. 0:08-4488
Jean Roberts v. Wyeth, et al., C.A. No. 0:08-4489
Lana Zirkelbach v. Wyeth, et al., C.A. No. 0:08-4491
Betty A. Strachan, et al. v. Wyeth, et al., C.A. No. 0:08-4492
John Robertson, etc. v. Wyeth, C.A. No. 0:08-4493
Rosemarie Mancuso v. Wyeth, et al., C.A. No. 0:08-4495
Inna Magalnik, et al. v. Wyeth, et al., C.A. No. 0:08-4496

MDL No. 1507 (Continued)

District of Minnesota (Continued)

Karen Knudson, et al. v. Wyeth, et al., C.A. No. 0:08-4497
Lana Kaae, et al. v. Wyeth, et al., C.A. No. 0:08-4498
Connie Hamilton v. Wyeth, et al., C.A. No. 0:08-4499
Joann Grabowski v. Wyeth, et al., C.A. No. 0:08-4500
Isabel Garza, et al. v. Wyeth, et al., C.A. No. 0:08-4501
Elizabeth Burnett, et al. v. Wyeth, et al., C.A. No. 0:08-4502
Leslye Brown, et al. v. Wyeth, et al., C.A. No. 0:08-4503
Karen Brady, et al. v. Wyeth, et al., C.A. No. 0:08-4504
Cheryl Barone, et al. v. Wyeth, et al., C.A. No. 0:08-4505
Judith Williams v. Wyeth, et al., C.A. No. 0:08-4506
Louise Watkins v. Wyeth, et al., C.A. No. 0:08-4507
Lois Hodge-Hutcheson v. Wyeth, et al., C.A. No. 0:08-4615
Gloria Lee, et al. v. Wyeth, et al., C.A. No. 0:08-4616
Concetta F. Barbera v. Wyeth, et al., C.A. No. 0:08-4617
Margaret Prescott v. Wyeth, et al., C.A. No. 0:08-4618
Sandra Kirkland, et al. v. Wyeth, et al., C.A. No. 0:08-4826
Rick Jasperson, etc. v. Wyeth, et al., C.A. No. 0:08-4844

MDL No. 1596 -- **IN RE: ZYPREXA PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs State of Idaho and Alice Collins, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of New York:

District of Idaho

State of Idaho v. Eli Lilly & Co., C.A. No. 1:08-362

Southern District of Indiana

Alice Collins, et al. v. Eli Lilly & Co., C.A. No. 1:08-1093

MDL No. 1718 -- **IN RE: FORD MOTOR CO. SPEED CONTROL DEACTIVATION SWITCH PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiffs Lyman L. Gustafson, et al., to transfer of the following action to the United States District Court for the Eastern District of Michigan:

District of Kansas

Lyman L. Gustafson, et al. v. Ford Motor Co., C.A. No. 2:08-2370

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

Opposition of plaintiffs Patricia Melau, etc., and Terry Anderson to transfer of their respective following actions to the United States District Court for the Middle District of Tennessee:

Northern District of Illinois

Patricia Melau, etc. v. Novartis Pharmaceuticals Corp., C.A. No. 1:08-4482

District of Minnesota

Terry Anderson v. Novartis Pharmaceuticals Corp., C.A. No. 0:08-4869

MDL No. 1763 -- **IN RE: HUMAN TISSUE PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Chris Fults to transfer of the following action to the United States District Court for the District of New Jersey:

Eastern District of Missouri

Chris Fults v. Medtronic, Inc., et al., C.A. No. 4:08-1016

MDL No. 1791 -- **IN RE: NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION**

Opposition of plaintiffs Reverend Joe McMurray, et al., to transfer of the following action to the United States District Court for the Northern District of California:

Southern District of New York

Reverend Joe McMurray, et al. v. Verizon Communications, Inc., et al., C.A. No. 1:08-6264

MDL No. 1811 -- **IN RE: GENETICALLY MODIFIED RICE LITIGATION**

Opposition of plaintiffs Roger Webb, et al., to transfer of the following action to the United States District Court for the Eastern District of Missouri:

Eastern District of Arkansas

Roger Webb, et al. v. Riceland Foods, Inc., C.A. No. 4:08-1048

MDL No. 1845 -- **IN RE: CONAGRA PEANUT BUTTER PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiffs Timothy T. Mitchell, et al., to transfer of the following action to the United States District Court for the Northern District of Georgia:

Northern District of Texas

Timothy T. Mitchell, et al. v. ConAgra Foods, Inc., C.A. No. 3:08-1322

MDL No. 1871 -- **IN RE: AVANDIA MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Ronald T. Hammer, etc.; Cornelio Martinez, et al.; and John Scardino, Jr., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Northern District of California

Ronald T. Hammer, etc. v. SmithKline Beecham Corp., et al., C.A. No. 4:08-3394

District of New Mexico

Cornelio Martinez, et al. v. SmithKline Beecham Corp., et al., C.A. No. 1:08-677

Western District of New York

John Scardino, Jr. v. SmithKline Beecham Corp., et al., C.A. No. 1:08-530

MDL No. 1877 -- **IN RE: CLASSICSTAR MARE LEASE LITIGATION**

Opposition of plaintiffs Peter Fortenbaugh, et al., to transfer of the following action to the United States District Court for the Eastern District of Kentucky:

Northern District of California

Peter Fortenbaugh, et al. v. ClassicStar Financial Services, Inc., et al., C.A. No. 5:08-3898

MDL No. 1902 -- **IN RE: REFCO INC. SECURITIES LITIGATION**

Opposition of plaintiffs Index Recovery Company, LP and The Trustees of the Masonic Hall & Asylum Fund to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Northern District of New York

Index Recovery Co., LP, etc. v. PricewaterhouseCoopers, LLP, C.A. No. 6:08-687
The Trustees of the Masonic Hall & Asylum Fund v. PricewaterhouseCoopers, LLP, C.A. No. 6:08-688

MDL No. 1935 -- **IN RE: CHOCOLATE CONFECTIONARY ANTITRUST LITIGATION**

Opposition of plaintiff Joshua Weaver to transfer of the following action to the United States District Court for the Middle District of Pennsylvania:

Northern District of California

Joshua Weaver v. Nestle USA, Inc., C.A. No. 3:08-3636

MDL No. 1938 -- **IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Philadelphia Federation of Teachers Health & Welfare Fund to transfer of the following action to the United States District Court for the District of New Jersey:

Eastern District of Pennsylvania

Philadelphia Federation of Teachers Health & Welfare Fund v. Merck & Co., Inc., et al., C.A. No. 2:08-3820

MDL No. 1950 -- **IN RE: MUNICIPAL DERIVATIVES ANTITRUST LITIGATION**

Oppositions of plaintiffs City of Los Angeles and City of Stockton to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Central District of California

City of Los Angeles v. AIG Financial Products Corp., et al., C.A. No. 2:08-5574

Northern District of California

City of Stockton v. Bank of America, N.A., et al., C.A. No. 3:08-4060

MDL No. 1967 -- **IN RE: BISPHENOL-A (BPA) POLYCARBONATE PLASTIC PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiff Matthew Spring and defendants Mead Johnson & Company; Abbott Laboratories, Inc.; and Nestle USA, Inc., to transfer of their respective following actions to the United States District Court for the Western District of Missouri:

Central District of California

Anne Beckner v. Mead Johnson & Co., C.A. No. 2:08-3765
Robin M. Anderson v. Abbott Laboratories, Inc., C.A. No. 2:08-3860
Matthew Spring v. Mead Johnson & Co., C.A. No. 2:08-4094
Anne Beckner v. Nestle USA, Inc., C.A. No. 2:08-5512

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.