

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
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Washington, D.C. 20002

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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: January 25, 2007

LOCATION OF HEARING SESSION: David W. Dyer Federal Building and
United States Courthouse
Central Courtroom, 2nd Floor
300 Northeast First Avenue
Miami, Florida 33132

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 **January 8, 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 Southern District of Florida

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

DEC. 14, 2006

JEFFERY N. LÜTHI
CLERK OF THE PANEL

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 January 25, 2007, a hearing session will be held in Miami, Florida, 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
January 25, 2007 -- Miami, Florida

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1791 -- In re National Security Agency Telecommunications Records Litigation

Oppositions of plaintiffs Steve Gaw and Robert M. Clayton III; defendants Office of Consumer Counsel; Anthony J. Palermino; Donald W. Downes; Jack R. Goldberg; John W. Betkoski III; Anne C. George; American Civil Liberties Union of Connecticut; Kurt Adams; Sharon Reishus; Dennis Keschl; Steve Gaw; Robert M. Clayton III; Zulima V. Farber; Kimberly S. Ricketts; Cathleen O'Donnell; James Volz; David C. Coen; John D. Burke; and David O'Brien; and proposed defendant intervenors James D. Cowie; James D. Woodworth; David L. Cowie; Kristen A. Tyson; Paul G. Tyson; Paul Sarvis; Lou Solebello; Barbara Taylor; Christopher Branson; Gwethalyn M. Phillips; Sally Dobres; Harold Noel; Margaret Siegle; Maureen Dea; Ethan Strimling; John H. Donovan; Thomas Mundhenk; and Lisa Hicks to transfer of their respective following actions to the United States District Court for the Northern District of California:

District of Connecticut

United States of America v. Anthony J. Palermino, et al., C.A. No. 3:06-1405

District of Maine

United States of America v. Kurt Adams, et al., C.A. No. 1:06-97

Eastern District of Missouri

United States of America v. Steve Gaw, et al., C.A. No. 4:06-1132

Western District of Missouri

Robert Clayton, et al. v. AT&T Communications of the Southwest, Inc., et al.,
C.A. No. 2:06-4177

District of New Jersey

United States of America v. Zulima V. Farber, et al., C.A. No. 3:06-2683

District of Vermont

United States of America v. James Volz, et al., C.A. No. 2:06-188

MDL-1813 -- In re New Century Mortgage Corp. Prescreening Litigation

Motion of plaintiffs Perrie Bonner, et al., for centralization (and subsequent motion to withdraw the initial motion) of the following actions in the United States District Court for the Northern District of Indiana:

Central District of California

Mary Forrest v. New Century Mortgage Corp., C.A. No. 2:06-3951

Pamela Phillips v. New Century Financial Corp., et al., C.A. No. 8:05-692

Northern District of Indiana

Perrie Bonner, et al. v. Home 123 Corp., et al., C.A. No. 2:05-146

MDL-1814 -- In re The Home Depot, Inc., Equipment Rental Contract Litigation

Motion of plaintiff Eric D. Cook for centralization of the following actions in the United States District Court for the Southern District of Florida, or in the alternative, the United States District Court for the Northern District of Illinois or the United States District Court for the Southern District of Ohio:

Southern District of Florida

Gold Coast Racing, Inc., et al. v. The Home Depot U.S.A., Inc., C.A. No. 0:05-61931

Northern District of Illinois

John Michael Rickher v. The Home Depot, Inc., C.A. No. 1:05-2152

District of New Jersey

Mieczyslaw Pacholec v. The Home Depot U.S.A., Inc., C.A. No. 2:06-827

Southern District of Ohio

Eric D. Cook v. The Home Depot, Inc., C.A. No. 2:06-571

Western District of Texas

Brad Barnard v. The Home Depot U.S.A., Inc., C.A. No. 1:06-491

MDL-1816 -- In re Katz Interactive Call Processing Patent Litigation

Motion of defendants Target Corp., Target Bank, and Target National Bank, for centralization of certain of the following actions in the United States District Court for the Central District of California and motion of defendant Global Crossing Telecommunications, Inc., for centralization of certain of the following actions in the United States District Court for the District of Delaware, or in the alternative, the United States District Court for the Central District of California:

District of Delaware

Ronald A. Katz Technology Licensing, LP v. Reliant Energy Inc., et al.,

C.A. No. 1:06-543

Ronald A. Katz Technology Licensing, LP v. TD Banknorth, Inc., et al.,

C.A. No. 1:06-544

Ronald A. Katz Technology Licensing, LP v. Ahold USA, Inc., et al., C.A. No. 1:06-545

Ronald A. Katz Technology Licensing, LP v. Time Warner Cable, Inc., et al.,

C.A. No. 1:06-546

Ronald A. Katz Technology Licensing, LP v. American International Group, Inc., et al.,

C.A. No. 1:06-547

Eastern District of Texas

Ronald A. Katz Technology Licensing, LP v. American Airlines, Inc., et al.,

C.A. No. 2:06-334

Ronald A. Katz Technology Licensing, LP v. Aetna, Inc., et al., C.A. No. 2:06-335

Ronald A. Katz Technology Licensing, LP v. Citibank, N.A., et al., C.A. No. 5:05-142

Ronald A. Katz Technology Licensing, LP v. Discover Financial Services, Inc., et al.,

C.A. No. 5:06-182

Ronald A. Katz Technology Licensing, LP v. Genesys Conferencing, Inc., et al.,

C.A. No. 5:06-187

Ronald A. Katz Technology Licensing, LP v. American Electric Power Co., Inc., et al.,

C.A. No. 5:06-188

Ronald A. Katz Technology Licensing, LP v. Alltel Corp., et al., C.A. No. 9:06-177

Ronald A. Katz Technology Licensing, LP v. Chevron Corp., et al., C.A. No. 9:06-178

Ronald A. Katz Technology Licensing, LP v. Cox Communications, Inc., et al.,

C.A. No. 9:06-191

Ronald A. Katz Technology Licensing, LP v. DirecTV Group, Inc., et al.,

C.A. No. 9:06-192

Ronald A. Katz Technology Licensing, LP v. Earthlink, Inc., C.A. No. 9:06-193

MDL-1816 (Continued)

Eastern District of Texas (Continued)

Ronald A. Katz Technology Licensing, LP v. Tracfone Wireless, Inc., C.A. No. 9:06-194

Ronald A. Katz Technology Licensing, LP v. Ford Motor Co., et al., C.A. No. 9:06-195

Ronald A. Katz Technology Licensing, LP v. Cullen/Frost Bankers, Inc., et al.,

C.A. No. 9:06-196

Ronald A. Katz Technology Licensing, LP v. General Electric Capital Corp., et al.,

C.A. No. 9:06-197

Ronald A. Katz Technology Licensing, LP v. General Motors Corp., et al.,

C.A. No. 9:06-198

Ronald A. Katz Technology Licensing, LP v. Humana, Inc., C.A. No. 9:06-199

Ronald A. Katz Technology Licensing, LP v. PNC Financial Services Group, Inc., et al., C.A.
No. 9:06-200

Ronald A. Katz Technology Licensing, LP v. Regions Financial Corp., et al.,

C.A. No. 9:06-201

Ronald A. Katz Technology Licensing, LP v. Safeco Insurance Co. of America, et al.,

C.A. No. 9:06-202

Ronald A. Katz Technology Licensing, LP v. U.S. Bancorp, et al., C.A. No. 9:06-203

MDL-1817 -- In re CertainTeed Corp. Roofing Shingle Products Liability Litigation

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

Southern District of Iowa

Dean Conrad v. CertainTeed Corp., C.A. No. 4:06-420

Northern District of Illinois

Dawn Lynn Johnson v. CertainTeed Corp., C.A. No. 1:06-4864

Western District of Kentucky

Tina Fitzner v. CertainTeed Corp., C.A. No. 3:06-488

MDL-1817 (Continued)

Eastern District of Michigan

David Butz, et al. v. CertainTeed Corp., C.A. No. 2:06-14357

District of Minnesota

Gerald Brenden, et al. v. CertainTeed Corp., C.A. No. 0:06-3579

Eastern District of Pennsylvania

Catherine Barrett v. CertainTeed Corp., C.A. No. 2:06-4117
Roger Dunker, et al. v. CertainTeed Corp., C.A. No. 2:06-4243

Western District of Wisconsin

Nancy Hollis, et al. v. CertainTeed Corp., C.A. No. 3:06-525

MDL-1818 -- In re Citifinancial Services Incorporated Prescreened Offer Litigation

Motion of plaintiffs Chana Hecht and Frank N. Hernandez for centralization of the following actions in the United States District Court for the Northern District of Illinois:

District of Connecticut

Chana Hecht v. CitiFinancial Services, Inc., C.A. No. 3:06-1632

Northern District of Illinois

Frank N. Hernandez, Jr. v. CitiFinancial Services, Inc., C.A. No. 1:05-2263

District of Massachusetts

Nellie A. Chudzikiewicz v. CitiFinancial Services, Inc., C.A. No. 4:06-40201

MDL-1818 (Continued)

Eastern District of Missouri

John C. Barrett v. CitiFinancial Services, Inc., C.A. No. 4:06-887

Eastern District of Wisconsin

Mary Forrest v. CitiFinancial, Inc., C.A. No. 2:06-294

MDL-1819 -- In re Static Random Access Memory (SRAM) Antitrust Litigation

Motion of plaintiff Alexander Ma for centralization of the following actions in the United States District Court for the Northern District of California:

Central District of California

Daniel Price v. Cypress Semiconductor Corp., et al., C.A. No. 2:06-6674

Northern District of California

Dataplex, Inc. v. Alliance Semiconductor Corp., et al., C.A. No. 3:06-6491

Greg Proiette v. Cypress Semiconductor Corp., et al., C.A. No. 3:06-6501

Alexander Ma v. Alliance Semiconductor Corp., et al., C.A. No. 3:06-6511

Reclaim Center, Inc., et al. v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:06-6533

Yoni Ribo v. Cypress Semiconductor Corp., et al., C.A. No. 3:06-6535

MDL-1820 -- In re Webloyalty.com, Inc., Marketing and Sales Practices Litigation

Motion of plaintiffs Joe W. Kuefler, Kim Crouse, and Monica Staaf for centralization of the following actions in the United States District Court for the District of Massachusetts:

Central District of California

Alcides Melo v. Webloyalty.com, Inc., et al., C.A. No. 2:06-6329

MDL-1820 (Continued)

District of Massachusetts

Joe W. Kuefler v. Webloyalty.com, Inc., et al., C.A. No. 1:06-11620
Kim Crouse v. Webloyalty.com, Inc., et al., C.A. No. 1:06-11834
Monica Staaf v. Webloyalty.com, Inc., et al., C.A. No. 1:06-11835

MDL-1821 -- In re Lycoming Crankshaft Products Liability Litigation

Motion of defendants AVCO Corp. and Textron, Inc., for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

Eastern District of California

Richard A. Bristow v. Lycoming Engines, et al., C.A. No. 2:06-1947

Eastern District of Pennsylvania

Charles Powers v. Lycoming Engines, et al., C.A. No. 2:06-2993
John Car v. Lycoming Engines, et al., C.A. No. 2:06-4228

MDL-1822 -- In re Bluetooth Headset Products Liability Litigation

Motion of plaintiffs Michael Jones, et al., for centralization of the following actions in the United States District Court for the Central District of California:

Eastern District of Arkansas

Hayley Frye v. Motorola, Inc., C.A. No. 4:06-1533

Central District of California

Michael Jones, et al. v. Motorola, Inc., C.A. No. 2:06-5182
Betsee Finlee v. GN Jabra North America, et al., C.A. No. 2:06-6280
Amy Karle v. Motorola, Inc., et al., C.A. No. 2:06-6706
Lori Raines v. Plantronics, Inc., C.A. No. 2:06-6708

MDL-1822 (Continued)

Middle District of Florida

Steve Edwards v. Motorola, Inc., C.A. No. 8:06-1909

Kyle Edwards v. Plantronics, Inc., C.A. No. 8:06-1910

Gary Hamrick v. GN Jabra North America, et al., C.A. No. 8:06-1911

Northern District of Illinois

Martin Alpert, et al. v. Motorola, Inc., C.A. No. 1:06-5586

Southern District of Mississippi

Jessica Smith v. Motorola, Inc., C.A. No. 2:06-242

District of New Hampshire

Mark Davis v. GN Jabra North America, et al., C.A. No. 1:06-402

Eastern District of Oklahoma

Jarred Swink v. Motorola, Inc., C.A. No. 6:06-456

Western District of Tennessee

Mark Benfield v. Motorola, Inc., C.A. No. 2:06-2690

MDL-1823 -- In re Movie Artwork Copyright Litigation

Motion of defendants A.V.E.L.A., Inc.; Art-Nostalgia.com, Inc.; X One X Movie Archive, Inc.; Leo Valencia; and Beverly Hills Teddy Bear Company for centralization of the following actions in the United States District Court for the Central District of California:

Central District of California

Toho Co., Ltd. v. A.V.E.L.A., Inc., et al., C.A. No. 2:06-1385

Fleischer Studios, Inc. v. A.V.E.L.A. Inc., et al., C.A. No. 2:06-6229

MDL-1823 (Continued)

Eastern District of Missouri

Warner Bros. Entertainment, Inc., et al. v. Dave Grossman Creations, Inc., et al.,
C.A. No. 4:06-546

Southern District of New York

King Features Syndicate, Inc., et al. v. A.V.E.L.A. Inc., et al., C.A. No. 1:06-6464

MDL-1824 -- In re Tri-State Water Rights Litigation

Motion of The Atlanta Regional Commission, The City of Atlanta, The Cobb County-Marietta Water Authority, and The City of Gainesville, Georgia, for centralization of the following actions in the United States District Court for the District of District of Columbia:

Northern District of Alabama

State of Alabama, et al. v. U.S. Army Corp. of Engineers, et al., C.A. No. 1:90-1331

District of District of Columbia

Southeastern Federal Power Customers, Inc. v. Louis Caldera, et al., C.A. No. 1:00-2975

Northern District of Florida

State of Florida v. United States Fish & Wildlife Service, et al., C.A. No. 4:06-410

Northern District of Georgia

State of Georgia v. The United States Army Corp. of Engineers, et al.,

C.A. No. 1:06-1473

State of Georgia v. United States Corp. of Engineers, et al., C.A. No. 2:01-26

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

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

Oppositions of plaintiffs Charles F. Zettner, et al.; Eswin Dean; Archie Lord; Joseph Newsome; Cleophus Smith; and Joseph Alexander Anderson, Jr., et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Northern District of California

Charles F. Zettner, et al. v. Buffalo Pumps, Inc., et al., C.A. No. 3:06-5905

Northern District of Mississippi

Eswin Dean v. 3M Co., et al., C.A. No. 4:06-142

Southern District of Mississippi

Archie Lord v. Phillips 66 Co., et al., C.A. No. 1:06-660

Joseph Newsome v. Phillips 66 Co., et al., C.A. No. 1:06-661

Cleophus Smith v. Phillips 66 Co., et al., C.A. No. 1:06-662

District of Utah

Joseph Alexander Anderson, Jr., et al. v. Ford Motor Co., et al., C.A. No. 2:06-741

MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability
Litigation

Oppositions of plaintiffs Mary Cordrey and Mary Anne Norris, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

District of Massachusetts

Mary Cordrey v. Indevus Pharmaceuticals, Inc., et al., C.A. No. 1:06-11604

Mary Anne Norris, et al. v. Indevus Pharmaceuticals, Inc., et al., C.A. No. 1:06-11605

MDL-1379 -- In re Literary Works in Electronic Databases Copyright Litigation

Motion of plaintiff Edward Roeder for remand, pursuant to 28 U.S.C. § 1407(a), of the following action to the United States District Court for the District of District of Columbia:

Southern District of New York

Edward Roeder v. Tribune Co., Inc., et al., C.A. No. 1:05-7311 (D. District of Columbia, C.A. No. 1:04-1818)

MDL-1428 -- In re Ski Train Fire in Kaprun, Austria, on November 11, 2000

Opposition of defendant Wika Instrument Corp. to transfer of the following action to the United States District Court for the Southern District of New York:

Middle District of Florida

Nanae Mitsumoto, et al. v. Robert Bosch Corp., et al., C.A. No. 8:06-1657

MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

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

Northern District of Illinois

The People of the State of Illinois v. Abbot Laboratories, et al., C.A. No. 1:06-5528

Eastern District of Kentucky

Commonwealth of Kentucky ex rel. v. Warrick Pharmaceuticals Corp., et al.,
C.A. No. 3:06-69

Northern District of New York

County of Schenectady v. Abbott Laboratories, Inc., et al., C.A. No. 1:06-1239
County of Oswego v. Abbott Laboratories, Inc., et al., C.A. No. 5:06-1240

Western District of New York

The County of Erie v. Abbott Laboratories, Inc., et al., C.A. No. 6:06-6505

Southern District of Ohio

State of Ohio v. Dey, Inc., et al., C.A. No. 1:06-676

Eastern District of Pennsylvania

Commonwealth of Pennsylvania, etc. v. Tap Pharmaceutical Products, Inc., et al.,
C.A. No. 2:06-4514

District of South Carolina

State of South Carolina, et al. v. Dey, LP, C.A. No. 3:06-2914
State of South Carolina, et al. v. Dey, LP, C.A. No. 3:06-2925

Western District of Wisconsin

State of Wisconsin v. Amgen, Inc., et al., C.A. No. 3:06-582

MDL-1507 -- In re Prempro Products Liability Litigation

Opposition of plaintiffs Myra Cook, et al., to transfer of the following action to the United States District Court for the Eastern District of Arkansas:

Southern District of Illinois

Myra Cook, et al. v. Wyeth, et al., C.A. No. 3:06-781

MDL-1596 -- In re Zyprexa Products Liability Litigation

Oppositions of plaintiffs Betty Weathers and Jim Hood, etc., to transfer of their respective following actions to the United States District Court for the Eastern District of New York:

Middle District of Alabama

Betty Weathers v. Eli Lilly & Co., et al., C.A. No. 2:06-666

Northern District of Mississippi

Jim Hood, etc. v. Eli Lilly & Co., C.A. No. 3:06-110

MDL-1598 -- In re Ephedra Products Liability Litigation

Opposition of defendants Atrium, Inc., and Aspen Group, Inc., to transfer of the following action to the United States District Court for the Southern District of New York:

District of Kansas

Stephen Spicer v. New Image International, Inc., et al., C.A. No. 2:04-2184

MDL-1598 (Continued)

Motion of plaintiffs Jerome D. Kreutzer, et al., for remand, pursuant to 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Southern District of California:

Southern District of New York

Jerome D. Kreutzer, et al. v. MII Liquidation, Inc., et al., C.A. No. 1:06-6654
(S.D. California, C.A. No. 3:06-885)

MDL-1604 -- In re Ocwen Federal Bank FSB Mortgage Servicing Litigation

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

Northern District of Texas

Charles Gray, et al. v. Donna Stockman, et al., C.A. No. 4:06-676

MDL-1648 -- In re Rubber Chemicals Antitrust Litigation

Opposition of defendants Flexsys America L.P.; Flexsys N.V.; Akzo Nobel Chemicals Internationals B.V.; and Nobel Chemicals, Inc., to transfer of the following action to the United States District Court for the Northern District of California:

Northern District of Ohio

Korea Kumbo Petrochemical Co., Ltd. v. Flexsys America, LP, et al., C.A. No. 1:06-1791

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

Oppositions of plaintiffs and defendants Danny Jones, P.A.; Addi Sameh Abuel-Shar, M.D.; Saint Francis Hospital, Inc.; Philip Hess, M.D.; Jihad Khattab, M.D.; and Jian Xing, M.D., to transfer of their respective actions listed on Attachment A to the United States District Court for the Eastern District of Louisiana

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

Opposition of plaintiffs Richard Lucey, et al., to transfer of the following action to the United States District Court for the Northern District of Indiana:

District of New Jersey

Richard Lucey, et al. v. FedEx Ground Package Systems, Inc., C.A. No. 1:06-3738

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

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

Southern District of Alabama

Arthur T. Sims, et al. v. Guidant Sales Corp., et al., C.A. No. 1:06-644

Eastern District of California

Sallie Everett v. Guidant Corp., et al., C.A. No. 1:06-1116
Piero Biondi, et al. v. Boston Scientific Corp., et al., C.A. No. 1:06-1150
Randal Notestine v. Guidant Corp., et al., C.A. No. 2:06-1945
Ronald Cameron, et al. v. Guidant Corp., et al., C.A. No. 2:06-1960
Clifford Hosler, et al. v. Guidant Corp., et al., C.A. No. 2:06-1972

Northern District of California

Alfred Martinez, et al. v. Guidant Corp., et al., C.A. No. 5:06-5244

Southern District of California

Fred W. Seeger v. Guidant Corp., et al., C.A. No. 3:06-1685
Theodore Hardson v. Guidant Corp., et al., C.A. No. 3:06-1687
Bennie Shipley v. Guidant Corp., et al., C.A. No. 3:06-1688

Eastern District of Missouri

Donald Alexander v. Boston Scientific Corp., et al., C.A. No. 4:06-1289

MDL-1715 -- In re Ameriquest Mortgage Co. Mortgage Lending Practices Litigation

Oppositions of plaintiffs Barbara S. Austin, Mildred Golden, Lisa M. Garacia, and Mary A. Maltese to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

Northern District of Georgia

Barbara S. Austin v. Ameriquest Mortgage Co., et al., C.A. No. 1:06-1452

Southern District of Georgia

Mildred Golden v. Ameriquest Mortgage Co., C.A. No. 4:06-36

Middle District of Pennsylvania

Lisa M. Garacia v. Ameriquest Mortgage Co., C.A. No. 1:06-1595

Mary A. Maltese v. Ameriquest Mortgage Co., C.A. No. 1:06-1596

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

Oppositions of plaintiffs Louisiana Farm Bureau Casualty Insurance Co., et al.; James R. Bixler; and West American Insurance Co., et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Michigan:

Middle District of Louisiana

Louisiana Farm Bureau Casualty Insurance Co., et al. v. Ford Motor Co.,
C.A. No. 3:06-576

Eastern District of Missouri

James R. Bixler v. Ford Motor Co., C.A. No. 4:06-1030

District of South Carolina

West American Insurance Co., et al. v. Ford Motor Co., C.A. No. 8:06-2435

MDL-1721 -- In re Cessna 208 Series Aircraft Products Liability Litigation

Opposition of defendant Cessna Aircraft Company to transfer of the following action to the United States District Court for the District of Kansas:

Southern District of New York

Stephanie Ann Allan, et al. v. Cessna Aircraft Co., et al., C.A. No. 1:06-8197

MDL-1726 -- In re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation

Oppositions of plaintiff June Branson, etc., and defendant Medtronic, Inc., to transfer of the respective following actions to the United States District Court for the District of Minnesota:

Middle District of Florida

June Branson, etc. v. Medtronic, Inc., et al., C.A. No. 5:06-332

Western District of Kentucky

Connie Farmer, et al. v. Medtronic, Inc., C.A. No. 3:06-152

MDL-1785 -- In re Bausch & Lomb Inc. Contact Lens Solution Products Liability Litigation

Opposition of plaintiffs Michelle Sandford, et al., to transfer of the following action to the United States District Court for the District of South Carolina:

Eastern District of Pennsylvania

Michelle Sandford, et al. v. Bausch & Lomb, Inc., et al., C.A. No. 2:06-4208

MDL-1789 -- In re Fosamax Products Liability Litigation

Oppositions of plaintiffs Edward A. Morris, et al., and Anne E. Clayton to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Central District of California

Edward A. Morris, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-5587

Anne E. Clayton v. Merck & Co., Inc., et al., C.A. No. 2:06-6398

**ATTACHMENT A TO THE JANUARY 25, 2007
SCHEDULE OF MATTERS FOR HEARING SESSION**

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

Eastern District of California

Gladys Herring, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1826
Ruth Beatty v. Merck & Co., Inc., et al., C.A. No. 2:06-1845
Mary Grove v. Merck & Co., Inc., et al., C.A. No. 2:06-1941
Donna Moret v. Merck & Co., Inc., et al., C.A. No. 2:06-1954
Maximo Rivera v. Merck & Co., Inc., et al., C.A. No. 2:06-1957
Linda Chamberlain v. Merck & Co., Inc., et al., C.A. No. 2:06-1973
Kap Sook Choi v. Merck & Co., Inc., et al., C.A. No. 2:06-1977
Witold Kolankowski v. Merck & Co., Inc., et al., C.A. No. 2:06-1978
Freeman Herring v. Merck & Co., Inc., et al., C.A. No. 2:06-2079
Emma Miguel v. Merck & Co., Inc., et al., C.A. No. 2:06-2215

Northern District of California

Jeffrey Kaufman, et al. v. Merck & Co., Inc., et al., C.A. No. 3:06-4921
William C. Mullins v. Merck & Co., Inc., et al., C.A. No. 3:06-5534

Southern District of California

Earl Alger v. Merck & Co., Inc., et al., C.A. No. 3:06-1888
Douglas Diaz v. Merck & Co., Inc., et al., C.A. No. 3:06-1889
Raylene Diaz v. Merck & Co., Inc., et al., C.A. No. 3:06-1890
Diane Dumas v. Merck & Co., Inc., et al., C.A. No. 3:06-1891
Judy Joseph v. Merck & Co., Inc., et al., C.A. No. 3:06-1892
Debra Robles v. Merck & Co., Inc., et al., C.A. No. 3:06-1893
Berit Nytzen v. Merck & Co., Inc., et al., C.A. No. 3:06-1894
Annette Williams v. Merck & Co., Inc., et al., C.A. No. 3:06-1896
Jayn Fields v. Merck & Co., Inc., et al., C.A. No. 3:06-1897
Brenda Eldridge v. Merck & Co., Inc., et al., C.A. No. 3:06-1898
William Eldridge v. Merck & Co., Inc., et al., C.A. No. 3:06-1899
David Fields v. Merck & Co., Inc., et al., C.A. No. 3:06-1900
Diane Cross v. Merck & Co., Inc., et al., C.A. No. 3:06-1901
Valada Embry v. Merck & Co., Inc., et al., C.A. No. 3:06-1903

MDL-1657 Attachment A (Continued)

Southern District of California (Continued)

Wanda Alger v. Merck & Co., Inc., et al., C.A. No. 3:06-1904
David Young, Sr. v. Merck & Co., Inc., et al., C.A. No. 3:06-1905
George Dumas v. Merck & Co., Inc., et al., C.A. No. 3:06-1906
Carol Demasters v. Merck & Co., Inc., et al., C.A. No. 3:06-1907
Helen Eads v. Merck & Co., Inc., et al., C.A. No. 3:06-1908
Irma Young v. Merck & Co., Inc., et al., C.A. No. 3:06-1909
Evelyn Mazzone v. Merck & Co., Inc., et al., C.A. No. 3:06-1951
Jacqueline Battle v. Merck & Co., Inc., et al., C.A. No. 3:06-1953
Robert Battle v. Merck & Co., Inc., et al., C.A. No. 3:06-1954
James Mazzone v. Merck & Co., Inc., et al., C.A. No. 3:06-1955
Norwood Blatchford v. Merck & Co., Inc., et al., C.A. No. 3:06-1956
Margaret Choate v. Merck & Co., Inc., et al., C.A. No. 3:06-1957
Rosa Blatchford v. Merck & Co., et al., C.A. No. 3:06-1958
Horst Baranasch v. Merck & Co., Inc., et al., C.A. No. 3:06-1959
Carol J. Heck v. Merck & Co., Inc., et al., C.A. No. 3:06-1960
Esperanza Juarez v. Merck & Co., Inc., et al., C.A. No. 3:06-1961
Jesus Beato v. Merck & Co., Inc., et al., C.A. No. 3:06-1962
Alice Farmer v. Merck & Co, Inc., et al., C.A. No. 3:06-1963
Susanne Barabasch v. Merck & Co., Inc., et al., C.A. No. 3:06-1964
Nina Pope v. Merck & Co., Inc., et al., C.A. No. 3:06-1966
Carmen Ramirez v. Merck & Co., Inc., et al., C.A. No. 3:06-1967
Nancy Furman v. Merck & Co., Inc., et al., C.A. No. 3:06-1968
Jean Brooker v. Merck & Co., Inc., et al., C.A. No. 3:06-1969
Stephen Choate v. Merck & Co., Inc., et al., C.A. No. 3:06-1970
Glenna Settle v. Merck & Co., Inc., et al., C.A. No. 3:06-1971
Frederick Settle v. Merck & Co., Inc., et al., C.A. No. 3:06-1972
Richard Brooker v. Merck & Co., Inc., et al., C.A. No. 3:06-1973
Alicia Beato v. Merck & Co., Inc., et al., C.A. No. 3:06-1981
Joel Christenson v. Merck & Co., Inc., et al., C.A. No. 3:06-1982
Tina Diamond v. Merck & Co., Inc., et al., C.A. No. 3:06-1983
Loren Diamond v. Merck & Co., Inc., et al., C.A. No. 3:06-1984
Edward Gnau v. Merck & Co., Inc., et al., C.A. No. 3:06-1985
Srvilla Harris v. Merck & Co., Inc., et al., C.A. No. 3:06-1986
Victoria Kassab v. Merck & Co., Inc., et al., C.A. No. 3:06-1987

MDL-1657 Attachment A (Continued)

Southern District of California (Continued)

William Kay v. Merck & Co., Inc., et al., C.A. No. 3:06-1988
Hank Martinex v. Merck & Co., Inc., et al., C.A. No. 3:06-1989
Simena Woo v. Merck & Co., Inc., et al., C.A. No. 3:06-1990
Priscilla Wilson v. Merck & Co., Inc., et al., C.A. No. 3:06-1991
Bobby Wilson v. Merck & Co., Inc., et al., C.A. No. 3:06-1992
Leslie Weldy v. Merck & Co., Inc., et al., C.A. No. 3:06-1993
Mary Stromberg v. Merck & Co., Inc., et al., C.A. No. 3:06-1994
Leona St. Onge v. Merck & Co., Inc., et al., C.A. No. 3:06-1995
Eloisa Santillan v. Merck & Co., Inc., et al., C.A. No. 3:06-1996
Betty Michal v. Merck & Co., Inc., et al., C.A. No. 3:06-1997
Minh Tam Nguyen v. Merck & Co., Inc., et al., C.A. No. 3:06-1998
Lou Ella Holmes v. Merck & Co., Inc., et al., C.A. No. 3:06-1999
Betty Jo Kay v. Merck & Co., Inc., et al., C.A. No. 3:06-2000
Dearled Knotts v. Merck & Co., Inc., et al., C.A. No. 3:06-2001
Joanne Westover v. Merck & Co., Inc., et al., C.A. No. 3:06-2003
Stanley Westover v. Merck & Co., Inc., et al., C.A. No. 3:06-2004
Sharon Leezy v. Merck & Co., Inc., et al., C.A. No. 3:06-2005
Carl Danek v. Merck & Co., Inc., et al., C.A. No. 3:06-2006
Lorraine Suder v. Merck & Co., Inc., et al., C.A. No. 3:06-2007
Mariane Power v. Merck & Co., Inc., et al., C.A. No. 3:06-2008
Louis Roah v. Merck & Co., Inc., et al., C.A. No. 3:06-2009
Dorothy Scott v. Merck & Co., Inc., et al., C.A. No. 3:06-2010
James Leezy v. Merck & Co., Inc., et al., C.A. No. 3:06-2011
Angela Tourajigian v. Merck & Co., Inc., et al., C.A. No. 3:06-2012
Arnold Suder v. Merck & Co., Inc., et al., C.A. No. 3:06-2013
Jean Roah v. Merck & Co., Inc., et al., C.A. No. 3:06-2014
Charles Murphy v. Merck & Co., Inc., et al., C.A. No. 3:06-2015
Carlos Baylon v. Merck & Co., Inc., et al., C.A. No. 3:06-2016
Debbie Clines v. Merck & Co., Inc., et al., C.A. No. 3:06-2017
Juan Leanos v. Merck & Co., Inc., et al., C.A. No. 3:06-2018
Michelle Bell v. Merck & Co., Inc., et al., C.A. No. 3:06-2019
Robert Brown v. Merck & Co., Inc., et al., C.A. No. 3:06-2020
Josephine Baylon v. Merck & Co., Inc., et al., C.A. No. 3:06-2021
Kim Hernandez v. Merck & Co., Inc., et al., C.A. No. 3:06-2032

MDL-1657 Attachment A (Continued)

Southern District of California (Continued)

Judith Schuff v. Merck & Co., Inc., et al., C.A. No. 3:06-2033
Jeff Goldberg v. Merck & Co., Inc., et al., C.A. No. 3:06-2034
Larry Dawes v. Merck & Co., Inc., et al., C.A. No. 3:06-2035
Phyllis Cruz v. Merck & Co., Inc., et al., C.A. No. 3:06-2036
Jose Cruz v. Merck & Co., Inc., et al., C.A. No. 3:06-2037
David J. Hernandez v. Merck & Co., Inc., et al., C.A. No. 3:06-2038
Martha Brault v. Merck & Co., Inc., et al., C.A. No. 3:06-2039
Inez Goldenberg v. Merck & Co., Inc., et al., C.A. No. 3:06-2040
Evelyn Green v. Merck & Co., Inc., et al., C.A. No. 3:06-2041
Anita Kincade v. Merck & Co., Inc., et al., C.A. No. 3:06-2042
Catherine Janes v. Merck & Co., Inc., et al., C.A. No. 3:06-2043
Alfred Brault v. Merck & Co., Inc., et al., C.A. No. 3:06-2044
Harold James v. Merck & Co., Inc., et al., C.A. No. 3:06-2045
Egon Ohlendorf v. Merck & Co., Inc., et al., C.A. No. 3:06-2046
Robert Gans v. Merck & Co., Inc., et al., C.A. No. 3:06-2047
Nancy Jackson-Dawes v. Merck & Co., Inc., et al., C.A. No. 3:06-2048
Frances Gans v. Merck & Co., Inc., et al., C.A. No. 3:06-2049
Denise Radovan-Alfonso v. Merck & Co., Inc., et al., C.A. No. 3:06-2115
Francisco Silva v. Merck & Co., Inc., et al., C.A. No. 3:06-2116
Maria Santiago v. Merck & Co., Inc., et al., C.A. No. 3:06-2117
James Rhodes v. Merck & Co., Inc., et al., C.A. No. 3:06-2118
Mark Williams v. Merck & Co., Inc., et al., C.A. No. 3:06-2119
Vickie Brendel v. Merck & Co., Inc., et al., C.A. No. 3:06-2120
Perseveranda Smith v. Merck & Co., Inc., et al., C.A. No. 3:06-2121
Fred Black, Sr. v. Merck & Co., Inc., et al., C.A. No. 3:06-2122
Jean Cardinal-McQuery v. Merck & Co., Inc., et al., C.A. No. 3:06-2123
Bella Jacobs v. Merck & Co., Inc., et al., C.A. No. 3:06-2124
Larry Valenti v. Merck & Co., Inc., et al., C.A. No. 3:06-2125
Patricia Martinez v. Merck & Co., Inc., et al., C.A. No. 3:06-2126
Patricia May Hilliard v. Merck & Co., Inc., et al., C.A. No. 3:06-2127
Jan Schmidt v. Merck & Co., Inc., et al., C.A. No. 3:06-2128
Steven Hampton v. Merck & Co., Inc., et al., C.A. No. 3:06-2129
Jean McNeese v. Merck & Co., Inc., et al., C.A. No. 3:06-2130
Dale Lloyd v. Merck & Co., Inc., et al., C.A. No. 3:06-2131

MDL-1657 Attachment A (Continued)

Southern District of California (Continued)

Augustin Hernandez v. Merck & Co., Inc., et al., C.A. No. 3:06-2132
Kenneth Lowry v. Merck & Co., Inc., et al., C.A. No. 3:06-2133
Donna Hall v. Merck & Co., Inc., et al., C.A. No. 3:06-2134
Jacqueline Lowry v. Merck & Co., Inc., et al., C.A. No. 3:06-2135
Dolores Lloyd v. Merck & Co., Inc., et al., C.A. No. 3:06-2136
Brian Coit v. Merck & Co., Inc., et al., C.A. No. 3:06-2137
Juan Silva v. Merck & Co., Inc., et al., C.A. No. 3:06-2138
Frances Bushong v. Merck & Co., Inc., et al., C.A. No. 3:06-2139
Maria Osuna v. Merck & Co., Inc., et al., C.A. No. 3:06-2152
Thomas Perfetto v. Merck & Co., Inc., et al., C.A. No. 3:06-2153
Randy Valentine v. Merck & Co., Inc., et al., C.A. No. 3:06-2154
Andres De Casas v. Merck & Co., Inc., et al., C.A. No. 3:06-2155
Anna Combite v. Merck & Co., Inc., et al., C.A. No. 3:06-2156
S. Anne Hamilton v. Merck & Co., Inc., et al., C.A. No. 3:06-2157
Aloysius Kremer v. Merck & Co., Inc., et al., C.A. No. 3:06-2158
Winifred Morris v. Merck & Co., Inc., et al., C.A. No. 3:06-2159
Darnell Hudson v. Merck & Co., Inc., et al., C.A. No. 3:06-2160
Viola Kremer v. Merck & Co., Inc., et al., C.A. No. 3:06-2161
Marietta Orpilla v. Merck & Co., Inc., et al., C.A. No. 3:06-2163
Joyce Perfetto v. Merck & Co., Inc., et al., C.A. No. 3:06-2164
Amineh Younis v. Merck & Co., Inc., et al., C.A. No. 3:06-2165
Ahmad Younis v. Merck & Co., Inc., et al., C.A. No. 3:06-2166
Michelle McMahon v. Merck & Co., Inc., et al., C.A. No. 3:06-2259
Darren McMahon v. Merck & Co., Inc., et al., C.A. No. 3:06-2260

Middle District of Florida

Louise M. Griffin, etc. v. Merck & Co., Inc., et al., C.A. No. 8:06-1806

District of Hawaii

John R. McClelland, et al. v. Merck & Co., Inc., et al., C.A. No. 1:06-543

MDL-1657 Attachment A (Continued)

Western District of Kentucky

Cynthia Chesser, et al. v. Merck & Co., Inc., et al., C.A. No. 3:06-521

Northern District of Mississippi

Michael A. Collier v. Merck & Co., Inc., et al., C.A. No. 1:06-265

Eastern District of Missouri

Stephen D. Murch v. Merck & Co., Inc., et al., C.A. No. 4:06-1157
Forrest Lincoln, et al. v. Merck & Co., Inc., et al., C.A. No. 4:06-1372

District of Nevada

Albertine Avant, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1313
Buddy Batiz, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1317
Richard Booth, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1318
Don Chapman, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1319
Norma Coon, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1320
Ralph Cox, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-1323

Northern District of New York

Dennis Richard Harrison v. Merck & Co., Inc., C.A. No. 1:06-932

Southern District of New York

Elena Strujan v. Merck & Co., Inc., C.A. No. 1:06-7745

Eastern District of North Carolina

Eugene Seals, et al. v. Merck & Co., Inc., et al., C.A. No. 7:06-115

Northern District of Oklahoma

Wanda Ferrell, etc. v. Merck & Co., Inc., et al., C.A. No. 4:06-561

MDL-1657 Attachment A (Continued)

Western District of Oklahoma

Stella Claypool v. Merck & Co., Inc., et al., C.A. No. 5:06-1030

Eastern District of Texas

Elton White, et al. v. Merck & Co., Inc., et al., C.A. No. 1:06-638

James Williams v. Merck & Co., Inc., et al., C.A. No. 6:06-433

Northern District of Texas

Rose Fogiel v. Merck & Co., Inc., et al., C.A. No. 3:06-1748

Southern District of Texas

Dominga R. Castro v. Merck & Co., Inc., et al., C.A. No. 1:06-150

Patricia Hernandez v. Merck & Co., Inc., et al., C.A. No. 1:06-151

Olivia Robinson v. Merck & Co., Inc., et al., C.A. No. 1:06-152

Gwendolyn Ann Herron, et al. v. Merck & Co., Inc., et al., C.A. No. 1:06-163

Blanca D. Jimenez v. Merck & Co., Inc., et al., C.A. No. 1:06-165

Veronica Zamora v. Merck & Co., Inc., et al., C.A. No. 1:06-171

Sandra Smith v. Merck & Co., Inc., et al., C.A. No. 1:06-172

Ben Longoria v. Merck & Co., Inc., et al., C.A. No. 1:06-174

Celia M. Sanchez v. Merck & Co., Inc., et al., C.A. No. 1:06-175

Delia Cantu, et al. v. Merck & Co., Inc., et al., C.A. No. 2:06-404

Lucia Gonzalez v. Merck & Co., Inc., et al., C.A. No. 2:06-424

Minerva H. Rosas v. Merck & Co., Inc., et al., C.A. No. 2:06-427

Alison Nettles, et al. v. Merck & Co., Inc., et al., C.A. No. 4:06-3191

Edward M. Steele v. Merck & Co., Inc., et al., C.A. No. 5:06-147

Noemi Guzman Mata v. Merck & Co., Inc., et al., C.A. No. 7:06-253

Maria Dolores Herrera, et al. v. Merck & Co., Inc., et al., C.A. No. 7:06-255

Estela Guerra, et al. v. Merck & Co., Inc., et al., C.A. No. 7:06-261

Cristina Hernandez Mendoza v. Merck & Co., Inc., et al., C.A. No. 7:06-262

Hortencia Rosalez v. Amerisource, Inc., et al., C.A. No. 7:06-269

Maria Gonzalez de Ramirez v. Merck & Co., Inc., et al., C.A. No. 7:06-278

Martha B. Torres v. Merck & Co., Inc., et al., C.A. No. 7:06-279

MDL-1657 Attachment A (Continued)

Southern District of Texas (Continued)

Petra Ybarra v. Merck & Co., Inc., et al., C.A. No. 7:06-288
Luis Cantu v. Merck & Co., Inc., et al., C.A. No. 7:06-289
Emma Cuellar v. Merck & Co., Inc., et al., C.A. No. 7:06-295
Maria C. Cardenas v. Merck & Co., Inc., et al., C.A. No. 7:06-296
Gloria Mascorro v. Merck & Co., Inc., et al., C.A. No. 7:06-297
Maria Gloria Ybarra v. Merck & Co., Inc., et al., C.A. No. 7:06-308
Aida Vasquez v. Merck & Co., Inc., et al., C.A. No. 7:06-311
Irma Solis v. Merck & Co., Inc., et al., C.A. No. 7:06-312
Francisca Villarreal v. Merck & Co., Inc., et al., C.A. No. 7:06-315
Elma Martinez v. Merck & Co., Inc., et al., C.A. No. 7:06-316
Elvira Serna v. Merck & Co., Inc., et al., C.A. No. 7:06-317

Western District of Texas

Ronnie D. Fox, etc. v. Merck & Co., Inc., C.A. No. 1:06-748
Barbara J. Baxter v. Merck & Co., Inc., et al., C.A. No. 1:06-749
Katherine Arney, et al. v. Merck & Co., Inc., et al., C.A. No. 1:06-771
Eddie Roy Tealer v. Merck & Co., Inc., et al., C.A. No. 1:06-772
Ramona Wright v. Merck & Co., Inc., et al., C.A. No. 1:06-779
Jesus Avila v. Merck & Co., Inc., C.A. No. 1:06-786
Ina M. Teller v. Merck & Co., Inc., et al., C.A. No. 1:06-804
Jonna Murchison v. Merck & Co., Inc., et al., C.A. No. 1:06-805
Brian G. Thompson v. Merck & Co., Inc., et al., C.A. No. 1:06-806
Juanita Phillips v. Merck & Co., Inc., et al., C.A. No. 1:06-827
James Townsley v. Merck & Co., Inc., et al., C.A. No. 1:06-849
Richard Rodriguez, et al. v. Merck & Co., Inc., et al., C.A. No. 5:06-785

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.