

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

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

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

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

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

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

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

DIRECT REPLY TO:

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

Telephone: [202] 502-2800
Fax: [202] 502-2888
<http://www.jpml.uscourts.gov>

August 15, 2007

NOTICE OF HEARING SESSION

Dear Counsel:

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

DATE OF HEARING SESSION: September 27, 2007

LOCATION OF HEARING SESSION: Daniel Patrick Moynihan U.S. Courthouse
Ceremonial Courtroom #9C, 9th Floor
500 Pearl Street
New York, New York 10007

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 **September 10, 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

cc: Clerk, U.S. District Court for the Southern District of New York

**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 September 27, 2007, the Panel will convene a hearing session in New York, New York, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

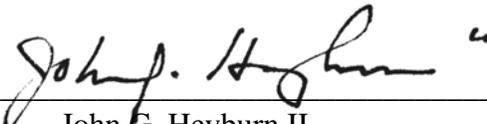
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that the Panel will hear oral argument on the matters listed on Section A of the attached Schedule.

IT IS FURTHER ORDERED that the Panel will consider without oral argument the matters listed on Section B of the attached Schedule 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 designate 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.

PANEL ON MULTIDISTRICT LITIGATION:



John G. Heyburn II
Chairman

D. Lowell Jensen
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz
Kathryn H. Vratil
Anthony J. Scirica

SCHEDULE OF MATTERS FOR HEARING SESSION
September 27, 2007 -- New York, New York

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

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

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

District of Minnesota

Pamela Dawn Thorne, et al. v. Wyeth, et al., C.A. No. 0:06-3123

MDL No. 1869 -- IN RE: RAIL FREIGHT FUEL SURCHARGE ANTITRUST LITIGATION

Motion of plaintiff Dust Pro, Inc., for centralization of certain of the following actions in the United States District Court for the District of New Jersey; motion of plaintiffs Dakota Granite Company and McIntyre Group, Ltd., for centralization of certain of the following actions in the United States District Court for the District of District of Columbia; and motion of plaintiff Quality Refractories Installation, Inc., for centralization of the following actions in the United States District Court for the Eastern of District of Pennsylvania:

Northern District of Alabama

West Alabama Sand & Gravel, Inc. v. CSX Transportation, Inc., et al.,
C.A. No. 7:07-1191

District of District of Columbia

Dakota Granite Co. v. Association of American Railroads, et al., C.A. No. 1:07-1078
McIntyre Group, Ltd. v. Association of American Railroads, et al., C.A. No. 1:07-1101
GVL Pipe & Demolition, Inc. v. Association of American Railroads, et al.,
C.A. No. 1:07-1119
Ferraro Foods of North Carolina, LLC v. Association of American Railroads, et al.,
C.A. No. 1:07-1121
Sublette Cooperative, Inc. v. Association of American Railroads, et al.,
C.A. No. 1:07-1126
Strates Shows, Inc. v. Association of American Railroads, et al., C.A. No. 1:07-1127

MDL No. 1869 (Continued)

Middle District of Florida

Cedar Farms Co., Inc. v. CSX Transportation, Inc., et al., C.A. No. 3:07-557

Northern District of Illinois

Dad's Products Co., Inc. v. BNSF Railway Co., et al., C.A. No. 1:07-2954
Zinifex Taylor Chemicals, Inc. v. CSX Transportation, Inc., et al., C.A. No. 1:07-3274

District of New Jersey

Dust Pro, Inc. v. CSX Transportation, Inc., et al., C.A. No. 2:07-2251
Issac Industries, Inc. v. CSX Transportation, Inc., et al., C.A. No. 2:07-2289
Bar-Ale, Inc. v. CSX Transportation, Inc., et al., C.A. No. 2:07-2769
United Co-Operative Farmers, Inc. v. CSX Transportation, Inc., et al.,
C.A. No. 2:07-2832
Somerset Industries, Inc. v. CSX Transportation, Inc., et al., C.A. No. 2:07-3280

Eastern District of Pennsylvania

Quality Refractories Installation, Inc. v. Association of American Railroads, et al.,
C.A. No. 2:07-2657
Nizhnekamskneftekhim USA, Inc. v. CSX Transportation, Inc., et al.,
C.A. No. 2:07-2809

MDL No. 1870 -- **IN RE: GREENWOOD CREDIT UNION PRESCREENING
LITIGATION**

Motion, as amended, of defendant Greenwood Credit Union for centralization of the following actions in the United States District Court for the District of Massachusetts:

District of Massachusetts

Anthony Sullivan v. Greenwood Credit Union, C.A. No. 1:06-11368

MDL No. 1870 (Continued)

Eastern District of New York

Jacob Terebelo v. Greenwood Credit Union, C.A. No. 2:07-1983

District of Rhode Island

Cynthia A. Dixon v. Greenwood Credit Union, C.A. No. 1:07-116

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

Motion of plaintiff Sharon Ann Dabon for centralization of the following actions in the United States District Court for the District of Puerto Rico or, in the alternative, the United States District Court for the Eastern District Louisiana:

Eastern District of Louisiana

Sharon Ann Dabon v. GlaxoSmithKline, Inc., C.A. No. 2:07-3041

District of Puerto Rico

Celenio Cruz-Santana v. GlaxoSmithKline, PLC, et al., C.A. No. 3:07-1461

MDL No. 1872 -- **IN RE: WAYNE FARMS LLC FAIR LABOR STANDARDS ACT
LITIGATION**

Motion of defendant Wayne Farms LLC for centralization of the following actions in the United States District Court for the Middle District of Alabama:

Middle District of Alabama

Samuel Adams, et al. v. Wayne Farms LLC, C.A. No. 1:06-950
Sonya P. Adams, et al. v. Wayne Farms LLC, C.A. No. 1:07-296
Darren Anderson, et al. v. Wayne Farms LLC, C.A. No. 2:06-951
Amos Akings, et al. v. Wayne Farms LLC, C.A. No. 2:07-297

MDL No. 1872

Northern District of Alabama

Jimmy W. Belue, et al. v. Wayne Farms LLC, C.A. No. 4:06-2095
Robert Thomas Dunn, et al. v. Wayne Farms LLC, C.A. No. 4:07-647
James E. Bolden, et al. v. Wayne Farms LLC, C.A. No. 5:06-2096
Pamela M. Allen, et al. v. Wayne Farms LLC, et al., C.A. No. 5:07-639

Northern District of Georgia

Christie Norman, et al. v. Wayne Farms LLC, C.A. No. 1:07-1154
Joey Tate, et al. v. Wayne Farms LLC, C.A. No. 2:07-55

Southern District of Georgia

Lillie Preston, et al. v. Wayne Farms LLC, C.A. No. 5:07-45

Southern District of Mississippi

April Agee, et al. v. Wayne Farms LLC, et al., C.A. No. 2:06-268
Eula M. Keyes, et al. v. Wayne Farms LLC, C.A. No. 2:07-29

MDL No. 1873 -- **IN RE: FEMA TRAILER FORMALDEHYDE PRODUCTS LIABILITY
LITIGATION**

Motion of plaintiffs Robin Oldenburg, et al., for centralization of the following actions in
the United States District Court for the Eastern District of Louisiana:

Eastern District of Louisiana

Keith Hillard, et al. v. United States of America, et al., C.A. No. 2:06-2576
Decarlo McGuire, et al. v. Gulf Stream Coach, Inc., et al., C.A. No. 2:06-5659
Robin Oldenburg, et al. v. United States of America, et al., C.A. No. 2:07-2961

Western District of Louisiana

Kimberly G. Nelson, etc. v. Gulf Stream Coach, Inc., et al., C.A. No. 6:07-921

MDL No. 1874 -- **IN RE: MQVP INC. TRADEMARK LITIGATION**

Motion of MQVP Inc. for centralization of the following actions in the United States District Court for the Eastern District of Michigan:

Eastern District of Arkansas

Mid-State Aftermarket Body Parts, Inc. v. MQVP Inc., C.A. No. 4:03-733

Central District of California

MQVP Inc. v. Pacific Best, Inc., C.A. No. 2:06-860

Eastern District of Michigan

MQVP Inc. v. Auto Body Supply Co., Bky. Advy. No. 2:07-4094

MQVP, Inc. v. Keystone Automotive Industries, Inc., C.A. No. 2:07-10248

Middle District of Tennessee

Keystone Automotive Industries, Inc. v. MQVP, Inc., et al., C.A. No. 3:07-406

MDL No. 1875 -- **IN RE: RADIOSHACK CORP. "ERISA" LITIGATION**

Motion of defendants RadioShack Corp.; the Administrative Committees of RadioShack; The RadioShack Board of Directors; Frank J. Belatti; Ronald E. Elmquist; Robert S. Falcone; Daniel R. Feehan; Richard J. Hernandez; H. Eugene Lockhart; Jack L. Messman; William G. Morton, Jr.; Thomas G. Plaskett; Edwina D. Woodbury; David Edmondson; Claire H. Babrowski; David G. Barnes; David P. Johnson; Johnson H. Bradley; J. Mills; Randy Ray; and Arnold Grothues for centralization of the following actions in the United States District Court for the Northern District of Texas:

Eastern District of Texas

Alan Goldstein, et al. v. RadioShack Corp., et al., C.A. No. 6:06-285

Northern District of Texas

Robert Maxwell v. RadioShack Corp., et al., C.A. No. 4:06-499

Robert Outlaw v. RadioShack Corp., et al., C.A. No. 4:06-900

Jeffrey V. Cormier, etc. v. RadioShack Corp., et al., C.A. No. 4:07-285

**MDL No. 1876 -- IN RE: LONG BEACH MORTGAGE COMPANY TRUTH IN
LENDING ACT 1-4 FAMILY RIDER LITIGATION**

Motion of plaintiffs Guadalupe Navara, et al.; Ronald W. Carye, et al.; and Kenneth Mason, et al., for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Northern District of Illinois

Guadalupe Navara, et al. v. Long Beach Mortgage Co., et al., C.A. No. 1:05-864

District of Massachusetts

Ronald W. Carye, et al. v. Long Beach Mortgage Co., C.A. No. 1:06-10887

Eastern District of Wisconsin

Kenneth Mason, et al. v. Long Beach Mortgage Co., et al., C.A. No. 2:07-272

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

Motion of defendants ClassicStar, LLC, and GeoStar Corp. for centralization of the following actions in the United States District Court for the Eastern District of Kentucky:

Northern District of California

Gregory R. Raifman, et al. v. ClassicStar, LLC, et al., C.A. No. 3:07-2552

Middle District of Florida

Premiere Thoroughbreds, LLC, et al. v. ClassicStar, LLC, et al., C.A. No. 6:07-976

Eastern District of Kentucky

West Hills Farms, LLC, et al. v. ClassicStar, LLC, et al., C.A. No. 5:06-243

Eastern District of Pennsylvania

J&L Canterbury Farms, LLC, et al. v. ClassicStar, LLC, et al., C.A. No. 2:07-163

MDL No. 1877 (Continued)

District of Utah

Beechglen Farms, et al. v. ClassicStar, LLC, et al., C.A. No. 2:07-1
Bissmeyer Properties v. ClassicStar, LLC, et al., C.A. No. 2:07-388
Spencer D. Plummer, III v. GeoStar Corp., et al., C.A. No. 2:07-409

MDL No. 1878 -- **IN RE: INTERNAL REVENUE SERVICE §1031 TAX DEFERRED
EXCHANGE LITIGATION**

Motion of plaintiff Howard J. Hawks Trust UTA Dated November 1, 1991, for
centralization of the following actions in the United States District Court for the District of
Nevada:

Central District of California

Jon R. Sorrell, et al. v. Qualified Exchange Services, Inc., et al., C.A. No. 2:07-2088

District of Nevada

Howard J. Hawks Trust UTA Dated November 1, 1991 v. Qualified Exchange Services,
Inc., et al., C.A. No. 2:07-816

MDL No. 1879 -- **IN RE: STERLING FINANCIAL CORPORATION SECURITIES
LITIGATION**

Motion of plaintiffs Paul A. Miller, et al., for centralization of the following actions in
the United States District Court for the Eastern District of Pennsylvania:

Southern District of New York

Steve Macrina v. Roger J. Moyer, Jr., et al., C.A. No. 1:07-4108
Brian Johnson v. Sterling Financial Corp., et al., C.A. No. 1:07-4652
Castle Strategic Trading, Inc. v. Roger J. Moyer, Jr., et al., C.A. No. 1:07-5594
Jeffrey M. Cooley v. Sterling Financial Corp., et al., C.A. No. 1:07-5671

MDL No. 1879 (Continued)

Eastern District of Pennsylvania

Raymond D. Buckwalter v. Sterling Financial Corp., et al., C.A. No. 2:07-2171

Kevin Simpson v. Sterling Financial Corp., et al., C.A. No. 2:07-2497

Paul A. Miller, et al. v. Sterling Financial Corp., et al., C.A. No. 2:07-2694

MDL No. 1880 -- **IN RE: PAPST LICENSING DIGITAL CAMERA PATENT
LITIGATION**

Motion of Papst Licensing GmbH & Co. KG for centralization of the following actions in
the United States District Court for the Northern District of Illinois:

Central District of California

Papst Licensing GmbH & Co. KG v. Samsung Techwin Co., et al., C.A. No. 2:07-4249

District of District of Columbia

Casio, Inc. v. Papst Licensing GmbH & Co. KG, C.A. No. 1:06-1751

Fujifilm Corp., et al. v. Papst Licensing GmbH & Co. KG, C.A. No. 1:07-1118

District of Delaware

Papst Licensing GmbH & Co. KG v. Olympus Corp., et al., C.A. No. 1:07-415

Northern District of Illinois

Papst Licensing GmbH & Co. KG v. Fujifilm Corp., et al., C.A. No. 1:07-3401

MDL No. 1881 -- **IN RE: BOSCOV'S DEPARTMENT STORE, LLC, FAIR AND
ACCURATE CREDIT TRANSACTIONS ACT (FACTA) LITIGATION**

Motion of defendant Boscov's Department Store, LLC, centralization of the following actions in the United States District Court for the District of Maryland:

District of Maryland

Jeanne Stillmock v. Boscov's Department Store, LLC, C.A. No. 1:07-1343

District of New Jersey

Harriet J. Rosenberg v. Boscov's, Inc., et al., C.A. No. 1:07-1734

Western District of Pennsylvania

Rachel A. McKeown v. Boscov's Department Stores, Inc., et al., C.A. No. 2:07-603

MDL No. 1882 -- **IN RE: INSURANCE COMPANIES "SILENT" PREFERRED
PROVIDER ORGANIZATION (PPO) LITIGATION**

Motion of plaintiff Kathleen Roche, D.C., for centralization of the following actions in the United States District Court for the Northern District of Illinois, or in the United States District Court for the Southern District of Illinois, or in the United States District Court for the Central District of California:

Central District of California

Kathleen Roche, D.C. v. Zenith Insurance Co., et al., C.A. No. 2:07-4492

Northern District of Illinois

Roselle Chiropractic P.C. v. Hartford Fire Insurance Co., C.A. No. 1:07-3479

Southern District of Illinois

Thomas L. Kaltenbronn, D.C., et al. v. Liberty Mutual Insurance Co., et al.,
C.A. No. 3:07-52

Kathleen Roche v. Travelers Property Casualty Insurance Co., et al., C.A. No. 3:07-302

Kathleen Roche, D.C. v. Liberty Mutual Managed Care, Inc., et al., C.A. No. 3:07-331

MDL No. 1883 -- **IN RE: MICROSOFT XBOX 360 CONSOLE DEFECTIVE DVD ROM
DRIVE PRODUCTS LIABILITY LITIGATION**

Motion of plaintiff Steve Carlie for centralization of the following actions in the United States District Court for the Western District of Washington:

Southern District of California

Christine Moskowitz, et al. v. Microsoft Corp., C.A. No. 3:07-1287

Southern District of Florida

Jorge Brouwer v. Microsoft Corp., C.A. No. 0:07-60950

Western District of Washington

Luis Torres v. Microsoft Corp., C.A. No. 2:07-1121
Steve Carlie v. Microsoft Corp., C.A. No. 2:07-1132

MDL No. 1884 -- **IN RE: ALLIANZ LIFE INSURANCE CO. OF NORTH AMERICA
DEFERRED ANNUITY MARKETING AND SALES PRACTICES
LITIGATION**

Motion of plaintiffs Vida F. Negrete and Carolyn B. Healey for centralization of the following actions in the United States District Court for the Central District of California:

Eastern District of Arkansas

Harold C. Jones, et al. v. Allianz Life Insurance Co. of North America,
C.A. No. 4:07-145

Central District of California

Vida F. Negrete, etc. v. Allianz Life Insurance Co. of North America, C.A. No.
2:05-6838 Carolyn B. Healey v. Allianz Life Insurance Co. of North America, C.A. No.
2:05-8908

Southern District of California

Anthony J. Iorio, et al. v. Asset Marketing Systems, Inc., et al., C.A. No. 3:05-633

Schedule of Matters for Hearing Session, Section A
New York, New York

p. 11

MDL No. 1884 (Continued)

District of Minnesota

Linda L. Mooney, et al. v. Allianz Life Insurance Co. of North America,
C.A. No. 0:06-545

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

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

Oppositions of plaintiffs Leigh Cole, Sr.; Salvatore Gitto, et al.; and Victor Cruz to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Eastern District of Louisiana

Leigh Cole, Sr. v. Northop Grumman Ship Systems, Inc., et al., C.A. No. 2:07-3049

Southern District of New York

Salvatore Gitto, et al. v. A.W. Chesterton Co., Inc., et al., C.A. No. 1:07-4771

Eastern District of Washington

Victor Cruz v. BNSF Railway Co., C.A. No. 2:06-5066

**MDL No. 1203 -- IN RE: DIET DRUGS (PHENTERMINE/FENFLURAMINE/
DEXFENFLURAMINE) PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiffs Brenda Cartwright, et al., to transfer of the following action to the United States District Court for the Eastern District of Pennsylvania:

Middle District of Florida

Brenda Cartwright, et al. v. Wyeth, et al., C.A. No. 2:07-261

**MDL No. 1315 -- IN RE: SMARTALK TELESERVICES, INC., SECURITIES
LITIGATION**

Opposition of defendant PricewaterhouseCoopers LLP to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Northern District of Texas:

Southern District of Ohio

The Official Committee of Unsecured Creditors v. PricewaterhouseCoopers LLP,
C.A. No. 2:01-844 (N.D. Texas, C.A. No. 3:00-2671)

**MDL No. 1358 -- IN RE: METHYL TERTIARY BUTYL ETHER ("MTBE") PRODUCTS
LIABILITY LITIGATION**

Opposition of plaintiff Crescenta Valley Water District to transfer of the following action to the United States District Court for the Southern District of New York:

Central District of California

Crescenta Valley Water District v. Exxon Mobil Corp., et al., C.A. No. 2:07-2630

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

Opposition of plaintiff Charles A. Williams to transfer of the following action to the United States District Court for the Northern District of Ohio:

Western District of Pennsylvania

Charles A. Williams v. Consolidated Rail Corp., C.A. No. 3:07-120

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

Opposition of plaintiff The State of Utah to transfer of the following action to the United States District Court for the Eastern District of New York:

District of Utah

State of Utah v. Eli Lilly & Co., C.A. No. 2:07-380

MDL No. 1596 -- IN RE: ZYPREXA PRODUCTS LIABILITY LITIGATION
MDL No. 1769 -- IN RE: SEROQUEL PRODUCTS LIABILITY LITIGATION

Opposition of plaintiff Pennsylvania Employees Benefit Trust Fund to transfer of the following action to the United States District Court for the Eastern District of New York in MDL No. 1596 and to the United States District Court for the Middle District of Florida in MDL No. 1769:

Eastern District of Pennsylvania

Pennsylvania Employees Benefit Trust Fund v. Eli Lilly & Co., et al., C.A. No. 2:07-2057

MDL No. 1604 -- IN RE: OCWEN FEDERAL BANK FSB MORTGAGE SERVICING LITIGATION

Opposition of plaintiff Charles Edward Holmes to transfer of the following action to the United States District Court for the Northern District of Illinois:

Eastern District of Texas

Charles Edward Holmes v. Ocwen Loan Servicing, LLC, et al., C.A. No. 1:07-279

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

Oppositions of plaintiffs George Williams, et al., and defendants Tru-Valu Drugs, Inc.; James E. Lindstrom, M.D.; and Yakima Valley Farm Workers Clinic to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Southern District of Florida

George David Murphy v. Merck & Co., Inc., et al., C.A. No. 9:07-80509

District of South Carolina

George Williams, et al. v. Merck & Co., Inc., et al., C.A. No. 2:07-1486

Eastern District of Washington

Gypsy D. Gonzalez, et al. v. Merck & Co., Inc., et al., C.A. No. 2:07-3034

**MDL No. 1699 -- IN RE: BEXTRA AND CELEBREX MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Michael A. Allen, etc.; David White, et al.; John Wiese, et al.; Frances Carter; and Roel Gonzalez, et al., to transfer of their respective following actions to the United States District Court for the Northern District of California:

Northern District of Alabama

Michael A. Allen, etc. v. Pfizer Inc., et al., C.A. No. 7:07-1100

Southern District of Illinois

David White, et al. v. Pfizer Inc., et al., C.A. No. 3:07-428

John Wiese, et al. v. Pfizer Inc., et al., C.A. No. 3:07-429

Northern District of Texas

Frances Carter v. Pfizer Inc., et al., C.A. No. 4:07-335

MDL No. 1699 (Continued)

Southern District of Texas

Roel Gonzalez, et al. v. Pfizer Inc., et al., C.A. No. 7:07-136

MDL No. 1700 -- **IN RE: FEDEX GROUND PACKAGE SYSTEM, INC., EMPLOYMENT PRACTICES LITIGATION (NO. II)**

Opposition of plaintiff Starr Denise Blanchard to transfer of the following action to the United States District Court for the Northern District of Indiana:

District of Colorado

Starr Denise Blanchard v. FedEx Ground Package System, Inc., et al., C.A. No. 1:07-902

MDL No. 1708 -- **IN RE GUIDANT CORP. IMPLANTABLE DEFIBRILLATORS PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Richard Burns, David Cashes, Philip Daddona, and Paul Lavway to transfer of their respective following actions to the United States District Court for the District of Minnesota:

District of Massachusetts

Richard Burns v. Boston Scientific Corp., et al., C.A. No. 1:07-10795

David Cashes v. Boston Scientific Corp., et al., C.A. No. 1:07-10796

Philip Daddona v. Boston Scientific Corp., et al., C.A. No. 1:07-10798

Paul Lavway v. Boston Scientific Corp., et al., C.A. No. 1:07-10800

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

Opposition of defendant Residential Essentials, LLC d/b/a ATM Corp. of America to transfer of the following action to the United States District Court for the Northern District of Illinois:

Southern District of Alabama

Arthur Brian Boudin v. ATM Holdings, Inc., et al., C.A. No. 1:07-18

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

Oppositions of plaintiffs The Hartford Fire Insurance Company, etc., and Nationwide Mutual Fire Insurance Co., etc., to transfer of their respective following actions to the United States District Court for the Eastern District of Michigan:

Middle District of Florida

The Hartford Fire Insurance Co., etc. v. Ford Motor Co., Inc., C.A. No. 6:07-1015

District of Maryland

Nationwide Mutual Fire Insurance Co., etc. v. Ford Motor Co., C.A. No. 1:07-1358

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

Oppositions of plaintiff Carlos Melo-Ferrer and defendants Cessna Aircraft Company and Cessna Finance Corp. to transfer of the following action to the United States District Court for the District of Kansas:

District of Maryland

Carlos Melo-Ferrer v. Cessna Aircraft Co., et al., C.A. No. 8:07-448

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

Oppositions of plaintiffs Donald E. Benton, et al., and defendants Laboratory Corp. of America and James H. Meyers, M.D., to transfer of the following action to the United States District Court for the District of New Jersey:

Western District of Kentucky

Donald E. Benton, et al. v. Biomedical Tissue Services, Ltd., et al., C.A. No. 3:07-314

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

Oppositions of plaintiffs Jeri Demsky, et al.; Illene Bujdoso, et al.; Francis Finch, et al.; Bennie Horton, et al.; Frank Martin, et al.; Cecilia Smith, et al.; and Nancy Anderson to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Central District of California

Jeri Demsky, et al. v. Merck & Co., Inc., et al., C.A. No. 2:07-2839

Illene Bujdoso, et al. v. Merck & Co., Inc., et al., C.A. No. 2:07-3490

Francis Finch, et al. v. Merck & Co., Inc., et al., C.A. No. 2:07-3492

Bennie Horton, et al. v. Merck & Co., Inc., et al., C.A. No. 2:07-3493

Frank Martin, et al. v. Merck & Co., Inc., et al., C.A. No. 2:07-3495

Cecilia Smith, et al. v. Merck & Co., Inc., et al., C.A. No. 2:07-3497

Middle District of Florida

Nancy Anderson v. Brite Dental Corp., et al., C.A. No. 8:07-965

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

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

Eastern District of Arkansas

William E. Willman, et al. v. Riceland Foods, Inc., et al., C.A. No. 4:07-488

**MDL No. 1816 -- IN RE: KATZ INTERACTIVE CALL PROCESSING PATENT
LITIGATION**

Oppositions of defendants Comcast Corp.; Comcast Cable Communications, LLC; Comcast of New Castle County, LLC; Comcast of Delmarva, Inc.; Comcast of Eastern Shore, LLC; Comcast of California II, LLC; Comcast of California/Colorado, LLC; Comcast of Arkansas/Florida/Louisiana/Minnesota/Mississippi/Tennessee, Inc.; Comcast of Colorado/Pennsylvania/West Virginia, LLC; Comcast of Florida/Illinois/Michigan, Inc.; Comcast of Garden State, L.P.; Comcast of Houston, LLC; Public Service Enterprise Group, Inc.; Public Service Electric & Gas Company; and PSEG Services Corp. to transfer of their respective following actions to the United States District Court for the Central District of California:

District of Delaware

Ronald A. Katz Technology Licensing, L.P. v. Comcast Corp., et al., C.A. No. 1:07-361

District of New Jersey

Ronald A. Katz Technology Licensing, L.P. v. Public Service Enterprise Group, Inc., et al., C.A. No. 2:07-2658

**MDL No. 1828 -- IN RE: IMAGITAS, INC., DRIVERS' PRIVACY PROTECTION ACT
LITIGATION**

Oppositions of defendants Patricia McCormack, Linda Long, Robert Cheney, Vicki Albu, State of Minnesota, Patricia Vincent, Lowell Pearson, James Miluski, Karen Boeger, Kenneth L. Morckel, Scott Johnson, and Carol Nolan Drake to transfer of their respective following actions to the United States District Court for the Middle District of Florida:

District of Minnesota

David R. Kracum v. Patricia McCormack, et al., C.A. No. 0:07-1462

Western District of Missouri

Michele Poynter, et al. v. Patricia Vincent, et al., C.A. No. 2:07-4047

Northern District of Ohio

Jeanine Bogard v. Kenneth L. Morckel, et al., C.A. No. 5:07-671

**MDL No. 1832 -- IN RE: PILGRIM'S PRIDE FAIR LABOR STANDARDS ACT
LITIGATION**

Opposition of defendant Pilgrim's Pride Corp. to transfer of the following actions to the United States District Court for the Western District of Arkansas:

Eastern District of Pennsylvania

Juan Garcia, et al. v. Pilgrim's Pride Corp., C.A. No. 2:06-710
Esperanza Moya, et al. v. Pilgrim's Pride Corp., et al., C.A. No. 2:06-1249
Juan Garcia, et al. v. Pilgrim's Pride Corp., C.A. No. 2:06-3201

**MDL No. 1840 -- IN RE: MOTOR FUEL TEMPERATURE SALES PRACTICES
LITIGATION**

Opposition of defendants E-Z Mart Stores, Inc.; Frost Petroleum Equipment, LLC; Magness Oil Company; Petromark, Inc.; Rivercity Energy Company, Inc.; Thomas Petroleum, Inc.; B-B Oil Company, Inc.; Coulson Oil Company; Diamond State Oil LLC; Freeman Oil Company; L&L Oil Company, Inc.; Ligon Oil Company, Inc.; La Sher Oil Company; Port Cities Oil, LLC; Fort Smith Petroleum Equipment, Inc.; Hess Oil Company; Gardner Oil Company, Inc.; Flash Market, Inc.; and J&P Flash, Inc., to transfer of the following action to the United States District Court for the District of Kansas:

Eastern District of Arkansas

Charles D. Jones, et al. v. E-Z Mart Stores, Inc., et al., C.A. No. 4:07-246

**MDL No. 1842 -- IN RE: KUGEL MESH HERNIA PATCH PRODUCTS LIABILITY
LITIGATION**

Opposition of plaintiffs Judy A. Nichol, et al., to transfer of the following action to the United States District Court for the District of Rhode Island:

District of Nevada

Judy A. Nichol, et al. v. Davol, Inc., et al., C.A. No. 2:07-731

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

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

Eastern District of Michigan

Harold Stringer, et al. v. ConAgra Foods, Inc., C.A. No. 5:07-12028

MDL No. 1850 -- **IN RE: PET FOOD PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiff Margaret Picus and presently defendants Sunshine Mills, Inc.; Wal-Mart Stores, Inc.; and Menu Foods, Inc., to transfer of the following action to the United States District Court for the District of New Jersey:

District of Nevada

Margaret Picus v. Wal-Mart Stores, Inc., et al., C.A. No. 2:07-686

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.