

**UNITED STATES OF AMERICA**  
**JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

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

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

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

**DIRECT REPLY TO:**

Michael J. Beck  
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 13, 2004

**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 18, 2004

**LOCATION OF HEARING SESSION:** Earle Cabell Federal Building and  
United States Courthouse  
Ceremonial Courtroom, 1546, 15th Floor  
1100 Commerce Street  
Dallas, Texas 75242-1003

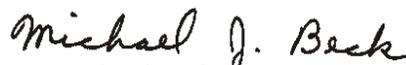
**TIME OF HEARING SESSION:** In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

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 1, 2004**. 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,

  
Michael J. Beck  
Clerk of the Panel

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

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION  
FILED

October 13, 2004

MICHAEL J. BECK  
CLERK OF THE PANEL

***BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION***

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

**HEARING SESSION ORDER**

IT IS ORDERED that on November 18, 2004, a hearing session will be held in Dallas, Texas, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

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

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

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

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

FOR THE PANEL:



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Wm. Terrell Hodges  
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION  
November 18, 2004 -- Dallas, Texas

**SECTION A**  
**MATTERS DESIGNATED FOR ORAL ARGUMENT**

MDL-1642 -- In re Polychloroprene Rubber (CR) Antitrust Litigation

Motion of defendants Bayer Corporation; Bayer MaterialScience LLC; and Polimeri Europa Americas, Inc., for centralization of certain of the following actions in the United States District Court for the Southern District of Texas, or in the alternative, the United States District Court for the Western District of Pennsylvania; and motion of plaintiffs Standard Rubber Products, Inc.; Rubber Millers, Inc.; Crossfield Products Corporation; and Alfa Adhesives, Inc., for centralization of certain of the following actions in the United States District Court for the Western District of Pennsylvania, or in the alternative, the United States District Court for the District of District of Columbia:

Central District of California

*Industrial Rubber Products LLC v. DuPont Dow Elastomers LLC, et al.*,  
C.A. No. 2:04-2827

District of District of Columbia

*Alco Industries, Inc. v. DuPont Dow Elastomers LLC*, C.A. No. 1:04-588  
*Chemionics Corp. v. Bayer AG, et al.*, C.A. No. 1:04-1323

Northern District of Ohio

*Goodyear Tire & Rubber Co. v. Bayer AG, et al.*, C.A. No. 5:04-853

MDL-1642 (Continued)

Western District of Pennsylvania

*Standard Rubber Products, Inc. v. Bayer AG, et al.*, C.A. No. 2:04-581  
*RBX Industries, Inc. v. Bayer Corp., et al.*, C.A. No. 2:04-1050  
*Rubber Millers, Inc. v. Bayer AG, et al.*, C.A. No. 2:04-1155  
*Crossfield Products Corp. v. Bayer AG, et al.*, C.A. No. 2:04-1156  
*Alfa Adhesives, Inc. v. Bayer AG, et al.*, C.A. No. 2:04-1238

MDL-1643 -- In re Educational Testing Service PLT 7-12 Test Scoring Litigation

Motion, as amended, of defendant Educational Testing Service for centralization of the following actions in the United States District Court for the Eastern District of Louisiana:

Eastern District of Louisiana

*Lois Adams, et al. v. Educational Testing Service*, C.A. No. 2:04-1997  
*Christal Aguillard, et al. v. Educational Testing Service*, C.A. No. 2:04-2122  
*James R. Johnson v. Educational Testing Service*, C.A. No. 2:04-2291  
*Rolanda Thigpen v. Educational Testing Services, Inc.*, C.A. No. 2:04-2305

Middle District of Louisiana

*Steven G. Miller v. Educational Testing Service, et al.*, C.A. No. 3:04-563

Western District of Louisiana

*Shawn M. Gary, et al. v. Educational Testing Service*, C.A. No. 2:04-1583  
*Ian Cohen, et al. v. Educational Testing Services, Inc.*, C.A. No. 2:04-1686

Northern District of Ohio

*Katherine J. Brouse v. Educational Testing Service*, C.A. No. 1:04-1599  
*Janet Riehle v. Educational Testing Service*, C.A. No. 3:04-7430

MDL-1643 (Continued)

Southern District of Ohio

*Paul A. Perra, et al. v. Educational Testing Service*, C.A. No. 1:04-492

Eastern District of Pennsylvania

*Eric Rutledge, et al. v. Educational Testing Service*, C.A. No. 2:04-3465

*Michelle T. Kochensky v. Educational Testing Services*, C.A. No. 2:04-3794

*Raffael M. Billet v. Educational Testing Service*, C.A. No. 2:04-3795

MDL-1644 -- In re Elevator and Escalator Antitrust Litigation

Motion of plaintiff Downtowner Hotel & Spa for centralization of certain of the following actions in the United States District Court for the Eastern District of Pennsylvania; and motion of plaintiffs Transhorn, Ltd.; 1775 Housing Associates; Triangle Housing Associates, L.P.; Birmingham Building Trades and Towers, Inc.; Rochdale Village, Inc.; Riverbay Corporation; D.F. Chase, Inc.; Joseph M. Bennardi; Mountain Bay Construction, Inc., et al.; Bay Crest Condominium Association; and Olen Commercial Realty Corporation for centralization of the following actions in the United States District Court for the Southern District of New York:

Middle District of Florida

*Executive Development Corp. v. United Technologies Corp., et al.*, C.A. No. 2:04-318

District of New Jersey

*Joseph M. Bennardi v. United Technologies Corp., et al.*, C.A. No. 1:04-2287

Southern District of New York

*Transhorn, Ltd. v. United Technologies Corp., et al.*, C.A. No. 1:04-1178

*1775 Housing Associates v. United Technologies Corp., et al.*, C.A. No. 1:04-2785

*Triangle Housing Associates, L.P. v. United Technologies Corp., et al.*,

C.A. No. 1:04-2786

MDL-1644 (Continued)

Southern District of New York (Continued)

*Rochdale Village, Inc. v. United Technologies Corp., et al.*, C.A. No. 1:04-3225  
*Birmingham Building Trades and Towers, Inc. v. United Technologies Corp., et al.*,  
C.A. No. 1:04-3229  
*Riverbay Corp. v. United Technologies Corp., et al.*, C.A. No. 1:04-3308  
*D.F. Chase, Inc. v. United Technologies Corp., et al.*, C.A. No. 1:04-3569  
*Mountain Bay Construction, Inc., et al. v. United Technologies Corp., et al.*,  
C.A. No. 1:04-3857  
*Towers of Coral Springs, Ltd., et al. v. United Technologies Corp., et al.*,  
C.A. No. 1:04-3963  
*Olen Commercial Realty Corp. v. United Technologies Corp., et al.*, C.A. No. 1:04-5662  
*Bay Crest Condominium Association. v. United Technologies Corp., et al.*,  
C.A. No. 1:04-5663

Eastern District of Pennsylvania

*Parkway Corp. v. United Technologies Corp., et al.*, C.A. No. 2:04-2404  
*Mason on Main Street v. United Technologies Corp., et al.*, C.A. No. 2:04-3145  
*Kings Village Corp. v. United Technologies Corp., et al.*, C.A. No. 2:04-3585  
*Wrightsville Builders, Inc. v. United Technologies Corp., et al.*, C.A. No. 2:04-3622  
*Downtowner Hotel & Spa v. United Technologies Corp., et al.*, C.A. No. 2:04-3895  
*Mulberry Court Associates v. United Technologies Corp., et al.*, C.A. No. 2:04-4048

MDL-1645 -- In re Solaia Technology LLC Patent & Antitrust Litigation

Motion of Solaia Technology LLC for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Northern District of Illinois

*Solaia Technology LLC v. ArvinMeritor, Inc., et al.*, C.A. No. 1:02-4704  
*Solaia Technology LLC v. Corn Products International, Inc., et al.*, C.A. No. 1:03-9295

MDL-1645 (Continued)

District of Minnesota

*Ecolab, Inc., et al. v. Solaia Technology LLC*, C.A. No. 0:03-3422

Eastern District of Wisconsin

*Rockwell Automation, Inc., et al. v. Schneider Automation, Inc., et al.*,  
C.A. No. 2:02-1195

*Solaia Technology LLC v. Rockwell Automation, Inc., et al.*, C.A. No. 2:03-939

MDL-1646 -- In re Testmasters Trademark Litigation

Motion of defendant Test Masters Educational Services, Inc., for centralization of the following actions in the United States District Court for the Southern District of Texas:

Northern District of California

*Robin Singh Educational Services, Inc. v. Excel Test Prep*, C.A. No. 3:03-5039

District of District of Columbia

*Jarrod Beck, et al. v. Test Masters Educational Services, Inc.*, C.A. No. 1:04-1391

MDL-1647 -- In re ATM Interchange Fee Antitrust Litigation

Motion of plaintiffs Cecilia Salvador, et al., and Melissa Griffin, et al., for centralization of the following actions in the United States District Court for the Central District of California:

Central District of California

*Melissa Griffin, et al. v. Concord EFS, Inc., et al.*, C.A. No. 2:04-5116

*Cecilia Salvador, et al. v. Concord EFS, Inc., et al.*, C.A. No. 2:04-6724

MDL-1647 (Continued)

Northern District of California

*Pamela Brennan, et al. v. Concord EFS, Inc., et al.*, C.A. No. 3:04-2676

Southern District of New York

*Peter Sanchez v. Concord EFS, Inc., et al.*, C.A. No. 1:04-6660

*Deborah Fennern v. Concord EFS, Inc., et al.*, C.A. No. 1:04-6661

MDL-1648 -- In re Rubber Chemicals Antitrust Litigation

Motion of defendants Bayer Corporation; Rhein Chemie Corporation; Crompton Corporation; Uniroyal Chemical Company, Inc.; Akzo Nobel Chemicals, Inc.; and Flexsys America, L.P., for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

*Rubber Engineering & Development Co., Inc., et al. v. Akzo Nobel Chemicals, B.V., et al.*, C.A. No. 3:03-1496

*Monmouth Rubber & Plastics Corp. v. Akzo Nobel Chemicals International, B.V., et al.*, C.A. No. 3:04-197

Northern District of Ohio

*Goodyear Tire & Rubber Co. v. Bayer A.G., et al.*, C.A. No. 5:04-1345

Western District of Pennsylvania

*RBX Industries, Inc. v. Bayer Corp., et al.*, C.A. No. 2:04-1049

MDL-1649 -- In re Helicopter Crash Near Wendle Creek, British Columbia, on August 8, 2002

Motion of plaintiffs Joanne O. McIntyre and Brian M. Brennan for centralization of the following actions in the United States District Court for the District of Connecticut:

District of Connecticut

*Brian M. Brennan, etc. v. Sikorsky Aircraft Corp., et al.*, C.A. No. 3:04-1260  
*Joanne O. McIntyre, etc. v. Sikorsky Aircraft Corp., et al.*, C.A. No. 3:04-1273

Northern District of Illinois

*Brian M. Brennan, etc. v. Hunt Screw & Manufacturing Co.*, C.A. No. 1:04-5011  
*Joanne O. McIntyre, etc. v. Hunt Screw & Manufacturing Co.*, C.A. No. 1:04-5151

MDL-1650 -- In re Abatix Corp. Securities Litigation

Motion of plaintiff John S. Rankin, et al., for centralization of the following actions in the United States District Court for the Eastern District of Texas:

Eastern District of Texas

*John S. Rankin, et al. v. Abatix Corp., et al.*, C.A. No. 5:04-116

Northern District of Texas

*Family Medicine Specialists, et al. v. Abatix Corp., et al.*, C.A. No. 3:04-872

MDI-1651 -- In re GEICO Auto Damage Adjusters Overtime Pay Litigation

Motion of plaintiffs Jerome Robinson-Smith and Christine Lindsay, et al., for centralization of the following actions in the United States District Court for the District of District of Columbia:

Middle District of Alabama

*Larry Duck v. Government Employees Insurance Co., et al.*, C.A. No. 2:04-64

District of District of Columbia

*Jerome Robinson-Smith v. Government Employees Insurance Co.*, C.A. No. 1:01-1340  
*Christine Lindsay, et al. v. Government Employees Insurance Co.*, C.A. No. 1:04-1213

District of New Mexico

*Dennis Schafer, et al. v. Government Employees Insurance Co.*, C.A. No. 1:04-926

MDL-1652 -- In re OrthAlliance, Inc., Contract Litigation

Motion of OrthAlliance, Inc., for centralization of the following actions in the United States District Court for the Northern District of Indiana, or in the alternative, the United States District Court for the Middle District of Florida:

Northern District of Alabama

*OrthAlliance, Inc. v. Ronald G. Philipp, et al.*, C.A. No. 2:04-2245

Middle District of Florida

*David Tod Garner, et al. v. OrthAlliance, Inc.*, C.A. No. 3:03-948  
*Gregory P. Scott, et al. v. OrthAlliance, Inc.*, C.A. No. 8:03-2334

Northern District of Florida

*OrthAlliance, Inc. v. Stephen C. Trawick, D.D.S., et al.*, C.A. No. 3:04-310

MDL-1652 (Continued)

Southern District of Florida

*OrthAlliance, Inc. v. Alicia Carroll, D.M.D., et al.*, C.A. No. 1:04-22256

Northern District of Georgia

*T. Barry Clower, D.M.D., P.C., et al. v. OrthAlliance, Inc.*, C.A. No. 1:01-1636

Northern District of Illinois

*OrthAlliance, Inc. v. Charles L. Schnibben, D.D.S., M.S., et al.*, C.A. No. 1:04-4850

Northern District of Indiana

*Orthodontic Affiliates, P.C., et al. v. OrthAlliance, Inc., et al.*, C.A. No. 2:01-516  
*OrthAlliance, Inc. v. Michael D. Goodwin, D.D.S., M.S., et al.*, C.A. No. 2:04-285

Eastern District of Kentucky

*Kentucky Center For Orthodontics, P.S.C. v. OrthAlliance, Inc., et al.*, C.A. No. 5:02-517

District of Massachusetts

*John F. Hanson, Jr., et al. v. OrthAlliance, Inc.*, C.A. No. 3:04-30045

District of Oregon

*OrthAlliance, Inc. v. Kenneth Greenbaum, et al.*, C.A. No. 6:04-6238

Middle District of Tennessee

*Anthony R. Togrye, et al. v. OrthAlliance, Inc.*, C.A. No. 3:01-1579

MDL-1653 -- In re Parmalat Securities Litigation

Motion of defendant Deloitte Touche Tohmatsu for centralization of the following actions in the United States District Court for the Southern District of New York:

Northern District of Illinois

*Dr. Enrico Bondi v. Grant Thornton International, et al.*, C.A. No. 1:04-6031

District of New Jersey

*Dr. Enrico Bondi v. Citigroup, Inc., et al.*, C.A. No. 2:04-4373

Southern District of New York

*In re Parmalat Securities Litigation*, C.A. No. 1:04-30

*Robert McQueen v. Parmalat Finanziaria, S.p.A., et al.*, C.A. No. 1:04-47

*Ferri Giampolo v. Parmalat Finanziaria, S.p.A., et al.*, C.A. No. 1:04-367

**SECTION B**  
**MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT**

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

Oppositions of plaintiffs Allen Matthews, et al.; Silas David Benfield, et al.; and Vivian H. Alsbrook, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Southern District of Mississippi

*Allen Matthews, et al. v. AGCO Corp., et al.*, C.A. No. 1:04-579

Western District of North Carolina

*Silas David Benfield, et al. v. Daniel International Corp., et al.*, C.A. No. 5:04-47

District of South Carolina

*Vivian H. Alsbrook, et al. v. Owens Illinois, Inc., et al.*, C.A. No. 2:04-1966

Motion of defendants Pfizer, Inc., and Quigley Company, Inc., to transfer the following action to the United States District Court for the Eastern District of Pennsylvania:

District of Maryland

*John B. Todd v. ACandS, Inc., et al.*, C.A. No. 1:04-2393

MDL-986 -- In re "Factor VIII or IX Concentrate Blood Products" Products Liability Litigation

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

Northern District of Texas

*Martha Masis Gamboa, et al. v. Bayer Corp, et al.*, C.A. No. 3:04-1640

MDL-1105 -- In re New England Mutual Life Insurance Company Sales Practices Litigation

Opposition of plaintiffs Irma E. Morales, et al., to transfer of the following action to the United States District Court for the District of Massachusetts:

Southern District of Texas

*Irma E. Morales, et al. v. Metropolitan Life Insurance Co., et al.*, C.A. No. 2:04-320

MDL-1132 -- In re Exterior Insulation Finish System (EIFS) Products Liability Litigation

Oppositions of plaintiff Pro Con, Inc., and defendants G&R Construction, Inc., and LV Construction Company, LLC, to transfer of their respective following actions to the United States District Court for the Eastern District of North Carolina:

District of Connecticut

*Burkhard Corp., et al. v. G&R Construction, Inc., et al.*, C.A. No. 3:04-1078

District of Massachusetts

*Pro Con, Inc. v. LV Construction Co., LLC, et al.*, C.A. No. 1:03-11607

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

Oppositions of plaintiffs to transfer of their respective actions listed on Attachment A to the United States District Court for the Eastern District of Pennsylvania.

Motion of plaintiffs Frankie Austin, et al.; Pam Elrod; and Emmie Bass, et al., to remand, under 28 U.S.C. § 1407(a), their respective following actions to the United States District Court for the Northern District of Georgia:

Eastern District of Pennsylvania

*Frankie Austin, et al. v. Wyeth, Inc., et al.*, (N.D. Georgia, C.A. No. 1:04-1429)

*Pam Elrod v. Wyeth, Inc., et al.*, (N.D. Georgia, C.A. No. 1:04-1430)

*Emmie Bass, et al. v. Wyeth, Inc., et al.*, (N.D. Georgia, C.A. No. 1:04-1431)

MDL-1348 -- In re Rezulin Products Liability Litigation

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

Eastern District of California

*Irene Giannone, etc. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 1:04-5028

*Barry Fernandes, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 1:04-5052

*Lee Ann Muir v. Warner-Lambert Co., LLC, et al.*, C.A. No. 1:04-5102

*Patricia Bennett, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 1:04-5655

*Ann Abraham, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-657

*Sherrie Balwin, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-659

*Flora Baugh, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-660

*Laure Ataya, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1401

*Jacquelyn Anderlick, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1402

*Vickie Anderson, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1403

*Stephen Hakey, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1404

*Dawn Bordeaux, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1405

*Paulette Allen, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1406

MDL-1348 (Continued)

Eastern District of California (Continued)

*Kenneth Bach, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1407  
*Laura DeFiesta, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1408  
*Eva Boyd, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1409  
*Paul Allen, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1410  
*Pierre Abshire, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1411  
*J. Ted Anderson, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1412  
*Doris Adams, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1413  
*William Archer, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1414  
*Hubert Bush, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1415  
*Maria Acosta, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1416  
*Paul Aaser, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1417  
*Leslie Hunter, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1418  
*Robert Akerill, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1419  
*Joyce Aubin, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 2:04-1420

Northern District of California

*Robert McKinney v. Warner-Lambert Co., LLC, et al.*, C.A. No. 3:04-57  
*Marie Starkey v. Warner-Lambert Co., LLC, et al.*, C.A. No. 3:04-216  
*Kenneth E. Frank v. Warner-Lambert Co., LLC, et al.*, C.A. No. 3:04-1726

Eastern District of Missouri

*Archie Cox, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 4:04-933

Eastern District of Texas

*Norman Anders, et al. v. Warner-Lambert Co., LLC, et al.*, C.A. No. 1:04-456

MDL-1373 -- In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation

Oppositions of plaintiffs Joseph Hong, etc.; Anita Brown, et al.; and Flavia Romero to transfer of their respective following actions to the United States District Court for the Southern District of Indiana:

District of Colorado

*Joseph Hong, etc. v. Ford Motor Co., et al.*, C.A. No. 1:04-352

Southern District of Mississippi

*Anita Brown, et al. v. Ford Motor Co., et al.*, C.A. No. 1:04-533

Eastern District of Missouri

*Flavia Romero v. Bridgestone/Firestone North American Tire, LLC, et al.*,  
C.A. No. 4:03-1352

MDL-1390 -- In re Life Insurance Co. of Georgia Industrial Life Insurance Litigation

Oppositions of plaintiffs Samuel White, Viola Henderson, Ruby Gates, and Nella Mayweather to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Middle District of Georgia

*Samuel White v. Life Insurance Co. of Georgia, et al.*, C.A. No. 4:04-98

*Viola Henderson v. Life Insurance Co. of Georgia, et al.*, C.A. No. 4:04-99

*Ruby Gates v. Life Insurance Co. of Georgia, et al.*, C.A. No. 4:04-100

*Nella Mayweather v. Life Insurance Co. of Georgia, et al.*, C.A. No. 4:04-101

MDL-1431 -- In re Baycol Products Liability Litigation

Oppositions of plaintiffs Joseph Carbone, et al., and Charles Sowell to transfer of their respective following actions to the United States District Court for the District of Minnesota:

District of Connecticut

*Joseph Carbone, et al. v. Bayer Corp.*, C.A. No. 3:04-958

Southern District of Illinois

*Charles Sowell v. Bayer AG, et al.*, C.A. No. 3:04-447

MDL-1446 -- In re Enron Corp. Securities, Derivative & "ERISA" Litigation

Opposition of plaintiffs James Abromaitis, et al., to transfer of the following action to the United States District Court for the Southern District of Texas:

District of Connecticut

*James Abromaitis, et al. v. Murtha Cullina, LLP, et al.*, C.A. No. 3:04-1071

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

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

Western District of Wisconsin

*State of Wisconsin v. Abbott Laboratories, et al.*, C.A. No. 3:04-477

MDL-1487 -- In re WorldCom, Inc., Securities & "ERISA" Litigation

Oppositions of plaintiffs Ron G. Crane, et al., and Robert A. Nickell, et al., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

District of Idaho

*Ron G. Crane, et al. v. Bernard J. Ebbers, et al.*, C.A. No. 1:04-320

Northern District of Texas

*Robert A. Nickell, et al. v. Citigroup Global Markets, Inc., et al.*, C.A. No. 3:04-1487

MDL-1507 -- In re Prempro Products Liability Litigation

Opposition of plaintiff Myra Miller Hughes to transfer of the following action to the United States District Court for the Eastern District of Arkansas:

Northern District of Mississippi

*Myra Miller Hughes v. Wyeth, et al.*, C.A. No. 4:04-209

MDL-1528 -- In re Southwestern Life Insurance Co. Sales Practices Litigation

Opposition of plaintiffs Rosalind Krasney, et al., to transfer of the following action to the United States District Court for the Northern District of Texas:

Northern District of Ohio

*Rosalind Krasney, et al. v. Southwestern Life Insurance Co.*, C.A. No. 1:04-1257

MDL-1537 -- In re Nortel Networks Corp. "ERISA" Litigation

Opposition of plaintiffs Robert H. Cox, et al., to transfer of the following action to the United States District Court for the Middle District of Tennessee:

Southern District of New York

*Robert H. Cox, et al. v. Nortel Networks Corp., et al.*, C.A. No. 1:04-4479

MDL-1553 -- In re Silica Products Liability Litigation

Oppositions of plaintiffs Larry Thirsty, et al.; Troy Greer, et al.; William Crowe, et al.; Terry Large, et al.; Leonard McManus, et al.; Paul Moore, et al.; and Ronald Cole, et al., to transfer of their respective following actions to the United States District Court for the Southern District of Texas:

Northern District of Mississippi

*Larry Thirsty, et al. v. 3M Co., et al.*, C.A. No. 4:04-145

Southern District of Mississippi

*Troy Greer, et al. v. Clark Sand Co., et al.*, C.A. No. 2:04-174

*William Crowe, et al. v. Clark Sand Co., et al.*, C.A. No. 2:04-175

*Terry Large, et al. v. 3M Co., et al.*, C.A. No. 3:04-377

*Leonard McManus, et al. v. Dependable Abrasives, Inc., et al.*, C.A. No. 5:04-128

*Paul Moore, et al. v. Clark Sand & Co., et al.*, C.A. No. 5:04-138

*Ronald Cole, et al. v. A-Bec Industries, et al.*, C.A. No. 5:04-155

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

Motion of defendants Coral Energy Resources, L.P.; Duke Energy Corporation; Dynege, Inc.; EnCana Corporation; and WD Energy Services, Inc., for reconsideration of the Panel's decision to deny transfer of the following action to the United States District Court for the District of Nevada:

Eastern District of California

*E&J Gallo Winery v. Encana Energy Services, Inc., et al.*, C.A. No. 1:03-5412

MDL-1574 -- In re Paxil Products Liability Litigation

Oppositions of plaintiffs Regina Nethery, et al., and defendants SmithKline Beecham Corporation and GlaxoSmithKline plc to transfer of their respective following actions to the United States District Court for the Central District of California:

District of Connecticut

*Erin Hopey, etc. v. SmithKline Beecham Corp.*, C.A. No. 3:04-518

Northern District of Ohio

*Regina Nethery, et al. v. SmithKline Beecham Corp.*, C.A. No. 1:04-1415

MDL-1578 -- In re UICI "Association-Group" Insurance Litigation

Oppositions of plaintiffs Michael Joyce, et al., and Joseph Diaz, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Texas:

Central District of California

*Michael Joyce, et al. v. UICI, et al.*, C.A. No. 2:04-4457  
*Joseph Diaz, et al. v. UICI, et al.*, C.A. No. 2:04-6357

MDL-1586 -- In re Mutual Funds Investment Litigation

Oppositions of plaintiffs Nitika Mehta, etc., and Edmund Woodbury to transfer of their respective following actions to the United States District Court for the District of Maryland:

Southern District of Illinois

*Nitika Mehta, etc. v. AIG Sun America Life Assurance Co.*, C.A. No. 3:04-328  
*Edmund Woodbury v. Nationwide Life Insurance Co.*, C.A. No. 3:04-373

MDL-1596 -- In re Zyprexa Products Liability Litigation

Opposition of plaintiff Leonard Simmons to transfer of the following action to the United States District Court for the Eastern District of New York:

Western District of Missouri

*Leonard Simmons v. John Hemeyer, et al.*, C.A. No. 2:04-4042

MDL-1598 -- In re Ephedra Products Liability Litigation

Oppositions of plaintiffs Dalip Tung, et al., and Fred T. Rather, et al., and defendants MuscleTech Research & Development, Inc.; Peak Wellness, Inc.; Carlon Colker, M.D.; Miami Research Associates, Inc.; and Douglas Kalman to transfer of their respective following actions to the United States District Court for the Southern District of New York:

District of Arizona

*Dalip Tung, et al. v. Muscletech Research & Development, Inc., et al.*, C.A. No. 2:04-437

Eastern District of Texas

*Steve Olschwanger v. Muscletech Research & Development, Inc.*, C.A. No. 4:04-230

MDL-1598 (Continued)

Southern District of Texas

*Fred T. Rather, et al. v. Metabolife International, Inc., et al.*, C.A. No. 3:04-309

Eastern District of Virginia

*Pamela A. Victor, etc. v. Muscletech Research & Development, Inc., et al.*,  
C.A. No. 4:04-73

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

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

Western District of Texas

*Ralph Carreon, Jr., et al. v. Ocwen Federal Savings Bank, FSB,*  
Bky. Advy. No. 5:03-5151

MDL-1606 -- In re Deep Vein Thrombosis Litigation

Oppositions of plaintiffs Jerry L. Hull; Rhonda O. Bell; Marc Cohen, M.D.; and Olive Margaret Menditto, et al., and defendants Northwest Airlines, Inc.; Frontier Airlines, Inc.; Mesa Air Group, Inc.; American Airlines, Inc.; US Airways, Inc.; and The Boeing Company to transfer of their respective following actions to the United States District Court for the Northern District of California:

Central District of California

*Myra Gail Kaste, et al. v. Northwest Airlines, Inc., et al.*, C.A. No. 2:04-783

Southern District of California

*Jerry L. Hull v. Frontier Airlines, Inc., et al.*, C.A. No. 3:04-888

Eastern District of Pennsylvania

*Rhonda O. Bell v. US Airways, Inc., et al.*, C.A. No. 2:03-5428

*Marc Cohen, M.D. v. AMR Corp.*, C.A. No. 2:04-2439

Western District of Pennsylvania

*Kimberly Hartnett, etc. v. US Airways, Inc.*, C.A. No. 2:01-2462

Eastern District of Virginia

*Olive Margaret Menditto, et al. v. British Airways, Ltd.*, C.A. No. 1:04-224

Western District of Washington

*Scott Ogan, et al. v. Northwest Airlines, Inc., et al.*, C.A. No. 2:04-1341

*Patricia Rasmussen v. The Boeing Co., et al.*, C.A. No. 2:04-1566

**ATTACHMENT A TO THE NOVEMBER 18, 2004  
SCHEDULE OF MATTERS FOR HEARING**

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

Middle District of Alabama

*Tami K. Jones, et al. v. Wyeth, et al.*, C.A. No. 1:04-352  
*Darlene Buckhault, et al. v. Wyeth, et al.*, C.A. No. 2:04-353  
*Mary Mitchell, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-465  
*Judith K. Hall, et al. v. Wyeth, et al.*, C.A. No. 2:04-520  
*Naomi Howard v. Wyeth, et al.*, C.A. No. 2:04-588  
*Janice Patrick v. Wyeth, et al.*, C.A. No. 3:04-526

Southern District of Alabama

*Jessie Bedgood, et al. v. Wyeth, et al.*, C.A. No. 1:04-275

Eastern District of Arkansas

*Betty Hambrick, et al. v. Wyeth, Inc., et al.*, C.A. No. 3:04-212  
*Donna Alexin, et al. v. Wyeth, Inc., et al.*, C.A. No. 3:04-213  
*Bonnie F. Ritsmon v. Wyeth, Inc., et al.*, C.A. No. 3:04-231  
*Donna Gipson v. Wyeth, Inc., et al.*, C.A. No. 4:04-618  
*Misty Jackson, et al. v. Wyeth, et al.*, C.A. No. 4:04-621  
*Beth N. Shankles v. Wyeth, Inc., et al.*, C.A. No. 4:04-626  
*Janet Taylor v. Wyeth, Inc., et al.*, C.A. No. 5:04-238

Western District of Arkansas

*Orphea Wyatt, et al. v. Wyeth, Inc., et al.*, C.A. No. 5:04-5165  
*Linda Heard v. Wyeth, Inc., et al.*, C.A. No. 6:04-6082

Central District of California

*Cathy D. Stratton, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2471  
*Alex Martinez, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2472  
*Lynne Apodaca v. American Home Products Corp., et al.*, C.A. No. 2:04-2981  
*Donna Torrez, et al. v. American Home Products Corp., et al.*, C.A. No. 2:04-3381

**MDL-1203 Attachment A (Continued)**

Middle District of Florida

*Patricia White v. Wyeth, et al.*, C.A. No. 3:04-384  
*Anne Sulaiman, et al. v. Wyeth, et al.*, C.A. No. 8:04-1130

Northern District of Florida

*Jolynne Hall v. Indevus Pharmaceuticals, Inc., et al.*, C.A. No. 3:04-181  
*Diana Henderson, et al. v. Wyeth, et al.*, C.A. No. 5:04-107

Southern District of Florida

*Zoraida Economopoulos, et al. v. Indevus Pharmaceuticals, Inc., et al.*,  
C.A. No. 1:04-21384  
*Sylvia Appleman, et al. v. Wyeth, Inc., et al.*, C.A. No. 9:04-80417

Middle District of Georgia

*Carolyn Faye Broomberg, et al. v. Wyeth, Inc., et al.*, C.A. No. 7:04-50

Northern District of Georgia

*Melissa Houston, et al. v. Wyeth, Inc., et al.*, C.A. No. 1:04-1582  
*Donna Buffington v. Wyeth, Inc., et al.*, C.A. No. 4:04-122

Southern District of Georgia

*Jacquelyn Faison, et al. v. Wyeth, Inc., et al.*, C.A. No. 4:04-82

Southern District of Illinois

*Gayla Alspach, et al. v. Wyeth, Inc., et al.*, C.A. No. 3:04-407  
*Nanci White, et al. v. Wyeth, et al.*, C.A. No. 3:04-410

Eastern District of Kentucky

*Pamela Burns, et al. v. Wyeth, Inc., et al.*, C.A. No. 0:04-87  
*Diana Adkins, et al. v. W. Rex Duff, et al.*, C.A. No. 0:04-103

**MDL-1203 Attachment A (Continued)**

Western District of Kentucky

*Katherine Perkins, et al. v. W. Rex Duff, et al.*, C.A. No. 3:04-396

Eastern District of Louisiana

*Gina Kulick, et al. v. Wyeth, et al.*, C.A. No. 2:04-1406  
*Jerri Roscoe, et al. v. Wyeth, et al.*, C.A. No. 2:04-1416  
*Jacqueline Goins, et al. v. Wyeth, et al.*, C.A. No. 2:04-1417  
*Sandra Dave, et al. v. Wyeth, et al.*, C.A. No. 2:04-1418  
*Debra Zeller v. Wyeth, et al.*, C.A. No. 2:04-1463  
*Morris Champagne, et al. v. Wyeth, et al.*, C.A. No. 2:04-1551  
*Katherine Lewis v. Wyeth, et al.*, C.A. No. 2:04-1996  
*Sharon Bergeron v. Wyeth, et al.*, C.A. No. 2:04-2057  
*Carolyn Robertson, et al. v. Wyeth, et al.*, C.A. No. 2:04-2058

Middle District of Louisiana

*Anne Savell, et al. v. Wyeth, et al.*, C.A. No. 3:04-480

Southern District of Mississippi

*Donna Barlow, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-202  
*Brenda Cook, et al. v. Wyeth, et al.*, C.A. No. 3:04-271

Western District of Missouri

*Jan Templeton, et al. v. Wyeth, Inc., et al.*, C.A. No. 4:04-463

Eastern District of New York

*Jacqueline Marmol v. American Home Products Corp., et al.*, C.A. No. 1:04-2484  
*Nina Romano v. American Home Products Corp., et al.*, C.A. No. 1:04-2485  
*Tracey A. Jordan v. American Home Products Corp., et al.*, C.A. No. 1:04-2486  
*Lolita Gooden v. American Home Products Corp., et al.*, C.A. No. 1:04-2487  
*Danny I. Mendez, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-2490

**MDL-1203 Attachment A (Continued)**

Southern District of New York

*Dolores Y. Abramson, et al. v. American Home Products Corp., et al.*,  
C.A. No. 1:04-3253  
*Roberta Debono, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3810  
*Annette Amicizia, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3811  
*Merryl L. Anderson, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3812  
*Albert Alfiero, et al. v. American Home Products Corp. et al.*, C.A. No. 1:04-3813  
*Maria Aliotta, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3814  
*Bayla Feder, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3815  
*Jacob M. Friedman, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3816  
*Winnifred T. Austin, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3817  
*Lisa A. Adams, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3818  
*Crestina Adinolfi, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3819  
*Janet Aufiero v. American Home Products Corp., et al.*, C.A. No. 1:04-3820  
*Rosemarie Baird v. American Home Products Corp., et al.*, C.A. No. 1:04-3821  
*Lawrence Abrams, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3822  
*Maryann Alogna, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3823  
*Lourdes Acevedo, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3824  
*Mavis J. Acquaye-Nuamah, et al. v. American Home Products Corp., et al.*,  
C.A. No. 1:04-3825  
*Maria D. Aleman, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3826  
*Joan F. Amorosa, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3827  
*Verna G. Aiken, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3828  
*Donna M. Aiello, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3829  
*Maria Allende, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3831  
*Lawrence Abruzzo, et al. v. American Home Products Corp., et al.*, C.A. No. 1:04-3832  
*Shelly Amason v. American Home Products Corp., et al.*, C.A. No. 1:04-4028  
*Kim McCandless v. American Home Products Corp., et al.*, C.A. No. 1:04-4443  
*Dennis Macgee v. American Home Products Corp., et al.*, C.A. No. 1:04-4444  
*Christine L. Miscioscia v. American Home Products Corp., et al.*, C.A. No. 1:04-4445

Western District of Tennessee

*Judy Alexander, et al. v. Wyeth, Inc., et al.*, C.A. No. 1:04-1114  
*Roger Beller, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2320  
*Toney Booker, etc. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2354  
*Sandra Justice v. Wyeth, Inc., et al.*, C.A. No. 2:04-2355

**MDL-1203 Attachment A (Continued)**

Western District of Tennessee (Continued)

*Glorene Beale, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2356  
*Rita Austin, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2357  
*Cathy Ring v. Wyeth, Inc., et al.*, C.A. No. 2:04-2358  
*Mary Adams, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2359  
*Julie Abushanab, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2360  
*Gary Staheli v. Wyeth, Inc., et al.*, C.A. No. 2:04-2361  
*George Abernathy et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2375  
*Sandra Armstrong, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2495  
*Kimberly Black-Hall, et al. v. Wyeth, Inc., et al.*, C.A. No. 2:04-2496

Eastern District of Texas

*Minnie White, et al. v. Wyeth, et al.*, C.A. No. 5:04-155

Northern District of Texas

*Chelsea Bynum, et al. v. Wyeth, Inc., et al.*, C.A. No. 3:04-1073  
*Millie Barton, et al. v. Wyeth, et al.*, C.A. No. 3:04-1215  
*Elizabeth Blevins, et al. v. Wyeth, et al.*, C.A. No. 4:04-383

Southern District of Texas

*Norma McCulloch v. Wyeth, et al.*, C.A. No. 2:04-254

Western District of Texas

*Barbara Scott, et al. v. Wyeth, et al.*, C.A. No. 5:04-479  
*Phyllis Tucker v. Wyeth, et al.*, C.A. No. 6:04-138

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.