

# *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 Morey L. Sear  
United States District Court  
Eastern District of Louisiana

Judge Bruce M. Selya  
United States Court of Appeals  
First Circuit

Judge Julia Smith Gibbons  
United States District Court  
Western District of Tennessee

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

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

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
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October 17, 2001

## 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 29, 2001

**LOCATION OF HEARING SESSION:** United States Courthouse  
Courtroom C-501, 5th Floor  
500 Camp Street  
New Orleans, LA 70130

**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.

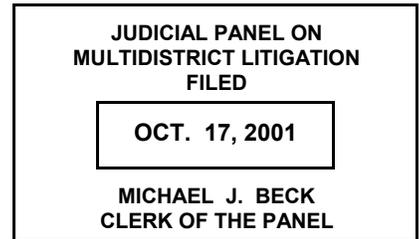
- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

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 9, 2001**. 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 Eastern District of Louisiana



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

***WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, MOREY L. SEAR,  
BRUCE M. SELYA, JULIA SMITH GIBBONS, D. LOWELL JENSEN, AND J.  
FREDERICK MOTZ, JUDGES OF THE PANEL***

***HEARING SESSION ORDER***

IT IS ORDERED that on November 29, 2001, a hearing session will be held in New Orleans, Louisiana, 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 29, 2001 -- New Orleans, Louisiana

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

MDL-1430 -- In re Lupron Marketing and Sales Practices Litigation

Motion of defendants TAP Pharmaceutical Products, Inc., and Abbott Laboratories for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Northern District of Illinois

*Leroy Townsend v. TAP Pharmaceutical Products, Inc., et al.*, C.A. No. 1:01-4435

District of Massachusetts

*William Porter v. TAP Pharmaceutical Products, Inc., et al.*, C.A. No. 1:01-10861

*Beacon Health Plans, Inc. v. TAP Pharmaceutical Products, Inc., et al.*,

C.A. No. 1:01-10897

*Joseph P. Maczak v. TAP Pharmaceutical Products, Inc., et al.*, C.A. No. 1:01-11053

MDL-1431 -- In re Baycol Products Liability Litigation

Motion of plaintiff Diane Rosenthal for centralization of certain of the following actions in the United States District Court for the Western District of Pennsylvania; motion of plaintiffs Ronald Cohen, et al., for centralization of certain of the following actions in the United States District Court for the Northern District of Illinois; motion of plaintiff Otis Smithe for centralization of certain of the following actions in the United States District Court for the District of Connecticut; motion of plaintiff Evelyn Sternberg for centralization of certain of the following actions in the United States District Court for the Eastern District of New York; motion of plaintiffs Raymond Dubberly and William J. Krohn for centralization of certain of the following actions in the United States District Court for the District of Minnesota; and motion of plaintiff Steven L. Sparks for centralization of certain of the following actions in the United States District Court for the Western District of Oklahoma:

Northern District of Alabama

*Mary Swink v. Bayer, A.G., et al.*, C.A. No. 1:01-2275

MDL-1431 (Continued)

Southern District of California

*Arnold Stauss v. Bayer Corp.*, C.A. No. 3:01-1650

District of Connecticut

*Otis Smithe v. Bayer Corp., et al.*, C.A. No. 3:01-1570

*Susan Corasio v. Bayer, A.G., et al.*, C.A. No. 3:01-1699

Middle District of Florida

*Dolores Canter v. Bayer Corp.*, C.A. No. 8:01-1543

Northern District of Florida

*Melissa Elaine Smith v. Bayer Corp.*, C.A. No. 4:01-406

Northern District of Illinois

*Ronald Cohen, et al. v. Bayer, A.G., et al.*, C.A. No. 1:01-6257

Southern District of Illinois

*Ronald Weber v. Group Bayer, et al.*, C.A. No. 3:01-545

District of Kansas

*Ronald O. Davis v. Bayer, A.G., et al.*, C.A. No. 6:01-1272

*Juanita Boling v. Bayer, A.G., et al.*, C.A. No. 6:01-1273

Eastern District of Louisiana

*Linda Schexnayder v. Bayer Corp.*, C.A. No. 2:01-2495

*John J. Fritzingier, et al. v. Bayer Corp., et al.*, C.A. No. 2:01-2850

MDL-1431 (Continued)

Middle District of Louisiana

*Ada Jackson, et al. v. Bayer Corp.*, C.A. No. 3:01-771

Western District of Louisiana

*Carol Arlene Naegele, et al. v. Bayer Corp., et al.*, C.A. No. 2:01-1684  
*William Scott Clark, et al. v. Bayer Corp.*, C.A. No. 6:01-1846

Eastern District of Michigan

*Ionel Glazer v. Bayer, A.G., et al.*, C.A. No. 2:01-73314

District of Minnesota

*Raymond Dubberly v. Bayer Corp.*, C.A. No. 0:01-1594  
*William J. Krohn v. Bayer Corp.*, C.A. No. 0:01-1624

Southern District of Mississippi

*Johnson Lee Davis, etc. v. Bayer Consumer Care*, C.A. No. 4:01-258

District of New Jersey

*Salvatore Galasso v. Bayer Corp., et al.*, C.A. No. 2:01-3885  
*Lora Gautier v. Bayer Corp., et al.*, C.A. No. 2:01-4245

District of New Mexico

*Ina Mitchell, et al. v. Bayer Corp.*, C.A. No. 1:01-1041

MDL-1431 (Continued)

Eastern District of New York

*Evelyn Sternberg v. Bayer, A.G., et al.*, C.A. No. 1:01-5557

Northern District of Ohio

*Heriberto Rivera v. Bayer Corp., et al.*, C.A. No. 1:01-2117

Western District of Oklahoma

*Steven L. Sparks v. Bayer Corp.*, C.A. No. 5:01-1265

*Jack Hartman v. Bayer, A.G., et al.*, C.A. No. 5:01-1506

*Gloria Dowling v. Bayer, A.G., et al.*, C.A. No. 5:01-1507

Western District of Pennsylvania

*Diane Rosenthal v. Bayer Corp.*, C.A. No. 2:01-1574

*Arnold Seiffer v. Bayer Corp., et al.*, C.A. No. 2:01-1583

*Gloria Lighter v. Bayer Corp.*, C.A. No. 2:01-1604

*Barbara Elias-Vecchione v. Bayer Corp., et al.*, C.A. No. 2:01-1606

*Raymond L. Roberts v. Bayer Corp.*, C.A. No. 2:01-1617

*Patricia Srsich, et al. v. Bayer Corp., et al.*, C.A. No. 2:01-1618

*Patricia Hickerson v. Bayer Corp., et al.*, C.A. No. 2:01-1666

*Maude E. Jones v. Bayer Corp.*, C.A. No. 2:01-1670

*Doyle Woods v. Bayer Corp., et al.*, C.A. No. 2:01-1702

MDL-1432 -- In re DaimlerChrysler Corp. Brake-Shift Interlock Products Liability Litigation

Motion of defendant DaimlerChrysler Corporation for centralization of the following actions in the United States District Court for the Northern District of Georgia:

Northern District of Georgia

*Carolyn Hyman, et al. v. DaimlerChrysler Corp.*, C.A. No. 1:01-734

MDL-1432 (Continued)

Middle District of North Carolina

*Gary Cogburn, et al. v. DaimlerChrysler Corp., et al.*, C.A. No. 1:01-546

Northern District of West Virginia

*Cheryl R. Tweel v. DaimlerChrysler Corp.*, C.A. No. 5:01-40

MDL-1433 -- In re Tidelands Oil & Gas Corp. Contract Litigation

Motion of Tidelands Oil & Gas Corporation for centralization of the following actions in the United States District Court for the Southern District of Texas:

Northern District of Georgia

*Swartz Private Equity, LLC v. Tidelands Oil & Gas Corp.*, C.A. No. 1:01-1875

Southern District of Texas

*Tidelands Oil & Gas Corp. v. Swartz Private Equity, LLC*, C.A. No. 2:01-260

MDL-1435 -- In re Wireless Telephone Replacement Protection Programs Litigation

Motion of defendants Verizon Wireless, Inc., ALLTEL Corporation, and Sprint Communications Company, L.P., for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Southern District of Georgia

*Joseph R. Wilson v. Sprint Communications Co., L.P.*, C.A. No. 4:01-200

Western District of Pennsylvania

*Gregory E. Greiff v. Verizon Wireless, Inc.*, C.A. No. 2:01-1647

*Elaine Ehrheart v. ALLTEL Corp.*, C.A. No. 2:01-1658

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

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

Oppositions of plaintiffs Don Mosley, et al., Steve J. Lukac, Paula A. Kubik, William Yorath, Matthew A. Haggerty, Davis A. Steiner, Orvil Dale Keeling, et al., and Ava Lee Collins to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Southern District of Mississippi

*Don Mosley, et al. v. ACandS, Inc., et al.*, C.A. No. 1:01-251

Northern District of Ohio

*Steve J. Lukac v. Gatx Corp.*, C.A. No. 1:01-20000

*Paula A. Kubik v. Gatx Corp.*, C.A. No. 1:01-20001

District of Oregon

*William Yorath v. A.P. Green Refractories Co., et al.*, C.A. No. 3:01-1176

*Matthew A. Haggerty v. A.P. Green Refractories Co., et al.*, C.A. No. 3:01-1177

*Davis A. Steiner v. A.P. Green Refractories Co., et al.*, C.A. No. 3:01-1178

*Orvil Dale Keeling, et al. v. A.P. Green Refractories Co., et al.*, C.A. No. 3:01-1179

Southern District of Texas

*Ava Lee Collins v. Blue Tee Corp.*, C.A. No. 4:01-2339

MDL-1061 -- In re Prudential Insurance Company of America Sales Practices Litigation

Opposition of plaintiffs Annie Dickowski, et al., to transfer of the following action to the United States District Court for the District of New Jersey:

Central District of California

*Annie Dickowski, et al. v. Prudential Insurance Co. of America, et al.*,  
C.A. No. 2:01-5650

MDL-1096 -- In re Crown Life Insurance Company Premium Litigation

Opposition of plaintiff Roosevelt McCorvey, M.D., to transfer of the following action to the United States District Court for the Southern District of Texas:

Middle District of Alabama

*Roosevelt McCorvey, M.D. v. Crown Life Insurance Co., et al.*, C.A. No. 2:01-830

MDL-1122 -- In re Jackson National Life Insurance Company Premium Litigation

Oppositions of plaintiffs Buford B. Jones and Thelma B. Gales, et al., and defendant John Corder to transfer of their respective following actions to the United States District Court for the Western District of Michigan:

Northern District of Mississippi

*Buford B. Jones v. Jackson National Life Insurance Co.*, C.A. No. 4:01-161

Southern District of Mississippi

*Thelma B. Gales, et al. v. Jackson National Life Insurance Co., et al.*,  
C.A. No. 5:01-151

MDL-1148 -- In re Latex Gloves Products Liability Litigation

Opposition of plaintiff Karen Swinson to transfer of the following action to the United States District Court for the Eastern District of Pennsylvania:

District of Arizona

*Karen Swinson v. Baxter Healthcare Corp., et al.*, C.A. No. 4:01-378

MDL-1179 -- In re General American Life Insurance Company Sales Practices Litigation

Oppositions of plaintiffs Joe D. Clark, et al., Thelma Brooks-Geeter, et al., and Terry L. Stennis, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Missouri:

Southern District of Mississippi

*Joe D. Clark, et al. v. General American Life Insurance Co., et al.*,  
C.A. No. 2:01-153

*Thelma Brooks-Geeter, et al. v. General American Life Insurance Co., et al.*,  
C.A. No. 4:01-110

*Terry L. Stennis, et al. v. General American Life Insurance Co., et al.*,  
C.A. No. 4:01-111

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

Oppositions of plaintiffs Sherry Malbin and Sandra Anderson, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Southern District of Florida

*Sherry Malbin v. American Home Products Corp., et al.*, C.A. No. 1:01-3248

Eastern District of Louisiana

*Sandra Anderson, et al. v. American Home Products Corp., et al.*, C.A. No. 2:01-2143

MDL-1293 -- In re Natural Gas Royalties Qui Tam Litigation

Opposition of plaintiff Craig A. Clayton to transfer of the following action to the United States District Court for the District of Wyoming:

Eastern District of Texas

*Craig A. Clayton, et al. v. Tesoro Petroleum Companies, Inc., et al.*,  
C.A. No. 9:00-111

MDL-1331 -- In re Nicaraguan Contra/Narcotics Trafficking Litigation

Opposition of plaintiff Leroy Carman, Jr., to transfer of the following action to the United States District Court for the Northern District of Florida:

District of Maryland

*Leroy Carman, Jr. v. Janet Reno, et al.*, C.A. No. 1:00-3619

MDL-1337 -- In re Holocaust Era German Industry, Bank & Insurance Litigation

Opposition of plaintiffs Chava Steiner Anderman, et al., to transfer of the following action to the United States District Court for the District of New Jersey:

Central District of California

*Chava Steiner Anderman, et al. v. Federal Republic of Austria, et al.*,  
C.A. No. 2:01-1769

MDL-1348 -- In re Rezulin Products Liability Litigation

Oppositions of plaintiffs Arthur C. Mosley, etc., Lorraine Cox, etc., and Adolph Bothe, et al., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Southern District of Alabama

*Arthur C. Mosley, etc. v. Warner-Lambert Co., et al.*, C.A. No. 1:01-555

District of Nebraska

*Lorraine Cox, etc. v. Parke-Davis, et al.*, C.A. No. 4:01-397

Southern District of Texas

*Adolph Bothe, et al. v. Warner-Lambert Co., et al.*, C.A. No. 4:01-1964

MDL-1355 -- In re Propulsid Products Liability Litigation

Opposition of plaintiff Ella Henson, etc., to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

Southern District of Alabama

*Ella Henson, etc. v. Johnson & Johnson, et al.*, C.A. No. 1:01-520

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

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

Northern District of Alabama

*Bianca Richardson v. Ford Motor Co., et al.*, C.A. No. 4:01-1641

MDL-1373 (Continued)

Central District of California

*Song Il Pak v. Ford Motor Co., et al.*, C.A. No. 2:01-5867

*Christine Hills, et al. v. Bridgestone/Firestone, Inc., et al.*, C.A. No. 2:01-7972

Southern District of California

*Craig Nielsen, et al. v. Ford Motor Co., et al.*, C.A. No. 3:01-1188

*Tonya Johnson, et al. v. Bridgestone/Firestone, Inc., et al.*, C.A. No. 3:01-1473

Middle District of Florida

*Jackalyn Majors, etc. v. Ford Motor Co., et al.*, C.A. No. 6:01-736

Southern District of Georgia

*James Echevarria, et al. v. Bridgestone/Firestone, Inc., et al.*, C.A. No. 2:01-134

*Charles I. Webb v. Bridgestone/Firestone, Inc., et al.*, C.A. No. 2:01-135

*David S. Tirado, et al. v. Bridgestone/Firestone, Inc., et al.*, C.A. No. 2:01-136

Southern District of Mississippi

*Tom Rice, et al. v. Magdalene Glatfelter, et al.*, C.A. No. 3:01-590

Eastern District of Texas

*Munif Ali Gattas Bultaif, et al. v. Bridgestone/Firestone, Inc., et al.*,  
C.A. No. 1:01-510

*William C. Young v. Ford Motor Co., et al.*, C.A. No. 1:01-527

*Victor Manuel Coronado Velasquez, et al. v. Bridgestone/Firestone, Inc., et al.*,  
C.A. No. 1:01-556

Southern District of Texas

*Laura Leticia Valadez Gamez, et al. v. Ford Motor Co., et al.*, C.A. No. 5:01-111

MDL-1387 -- In re ProteGen Sling and Vesica System Products Liability Litigation

Opposition of plaintiffs Debra Dace, et al., to transfer of the following action to the United States District Court for the District of Maryland:

Eastern District of Arkansas

*Debra Dace, et al. v. Boston Scientific Corp.*, C.A. No. 4:01-441

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

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

Middle District of Alabama

*Fred Butler, et al. v. Life Insurance Co. of Georgia*, C.A. No. 3:01-484

MDL-1393 -- In re Cooper Tire & Rubber Co. Tires Products Liability Litigation

Oppositions of plaintiffs Larry R. McKinney, Mary E. Bergeron, and Juliet Albertson to transfer of their respective following actions to the United States District Court for the Southern District of Ohio:

District of Colorado

*Larry R. McKinney v. Cooper Tire & Rubber Co.*, C.A. No. 1:01-1450

District of New Hampshire

*Mary E. Bergeron v. Cooper Tire & Rubber Co.*, C.A. No. 1:01-254

Western District of Washington

*Juliet Albertson v. Cooper Tire & Rubber Co.*, C.A. No. 3:01-5400

MDL-1401 -- In re Inter-Op Hip Prosthesis Products Liability Litigation

Oppositions of plaintiffs Kirk Kimmerling, D.D.S., et al., Joseph Romeo, et al., Sharon Warsaw, et al., Robert A. Haines, Phyllis Martin, Alfred Smith, et al., June E. Rouleau, Marcelina Araujo, Mari Boocock, et al., Robert A. Graves, Jr., and Ruby Ilene Peach to transfer of their respective following actions to the United States District Court for the Northern District of Ohio:

Northern District of Georgia

*Kirk Kimmerling, D.D.S., et al. v. Sulzer Orthopedics, Inc.*, C.A. No. 1:01-858

District of Maryland

*Joseph Romeo, et al. v. Sulzer Orthopedics, Inc., et al.*, C.A. No. 8:01-995  
*Sharon Warsaw, et al. v. Sulzer Orthopedics, Inc., et al.*, C.A. No. 8:01-1939

Western District of Michigan

*Robert A. Haines v. Sulzer Orthopedics, Inc.*, C.A. No. 1:01-336

District of New Jersey

*Phyllis Martin v. Sulzer Orthopedics, Inc.*, C.A. No. 2:01-1001  
*Alfred Smith, et al. v. Sulzer Orthopedics, Inc., et al.*, C.A. No. 2:01-2696  
*June E. Rouleau v. Sulzer Orthopedics, Inc., et al.*, C.A. No. 2:01-2697  
*Marcelina Araujo v. Sulzer Orthopedics, Inc., et al.*, C.A. No. 2:01-2698

District of South Dakota

*Mari Boocock, et al. v. Sulzer Orthopedics, Inc.*, C.A. No. 3:01-3010

Middle District of Tennessee

*Robert A. Graves, Jr. v. Sulzer Orthopedics, Inc.*, C.A. No. 3:01-594  
*Ruby Ilene Peach v. Sulzer Medica, et al.*, C.A. No. 3:01-610

MDL-1406 -- In re California Retail Natural Gas and Electricity Antitrust Litigation

Opposition of plaintiff Philip Hackett to transfer of the following action to the United States District Court for the District of Nevada:

Northern District of California

*Philip Hackett v. El Paso Corp., et al.*, C.A. No. 3:01-2289

MDL-1419 -- In re K-Dur Antitrust Litigation

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

Western District of Tennessee

*Rena Bellows v. Schering-Plough Corp., et al.*, C.A. No. 2:01-2403

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.