

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**NOTICE OF HEARING SESSION**

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

DATE OF HEARING SESSION: **October 2, 2014**

LOCATION OF HEARING SESSION: Gene Snyder United States Courthouse  
Courtroom 2  
601 West Broadway  
Louisville, Kentucky 40202

TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:00 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.**

SCHEDULED MATTERS: Matters scheduled for consideration at this hearing session are listed on the enclosed Hearing Session Order and Schedule of Matters for Hearing Session.

- Section A of this Schedule lists the matters designated for oral argument and includes all actions encompassed by Motion(s) for transfer filed pursuant to Rules 6.1 and 6.2. Any party waiving oral argument pursuant to Rule 11.1(d) does not need to appear at the Hearing Session.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 11.1(c). Parties and counsel involved in these matters need not attend the Hearing Session.

ORAL ARGUMENT: The Panel carefully considers the positions advocated in filings with the Panel when it allocates time to attorneys presenting oral argument. The Panel, therefore, expects attorneys to adhere to those positions (including those concerning an appropriate transferee district). Any change in position should be conveyed to Panel staff before the beginning of oral argument. Where an attorney thereafter advocates a position different from that conveyed to Panel staff, the Panel may reduce the allotted argument time and decline to hear further from that attorney.

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For those matters listed on Section A of the Schedule, the "Notice of Presentation or Waiver of Oral Argument" must be filed in this office no later than **September 15, 2014**. The procedures governing Panel oral argument (Panel Rule 11.1) are attached. The Panel strictly adheres to these procedures.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "Jeffery N. Lüthi", with a long horizontal flourish extending to the right.

Jeffery N. Lüthi  
Clerk of the Panel

cc: Clerk, United States District for the Western District of Kentucky

**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 October 2, 2014, the Panel will convene a hearing session in Louisville, Kentucky, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

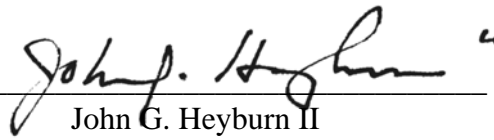
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that the Panel will hear oral argument on the matters listed on Section A of the attached Schedule, unless the parties waive oral argument or unless the Panel later decides to dispense with oral argument pursuant to Panel Rule 11.1(c).

IT IS FURTHER ORDERED that the Panel will consider without oral argument the matters listed on Section B of the attached Schedule pursuant to Panel Rule 11.1(c). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 11.1(c), 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

Marjorie O. Rendell  
Lewis A. Kaplan  
Ellen Segal Huvelle

Charles R. Breyer  
Sarah S. Vance  
R. David Proctor

**SCHEDULE OF MATTERS FOR HEARING SESSION**

October 2, 2014 -- Louisville, Kentucky

**SECTION A  
MATTERS DESIGNATED FOR ORAL ARGUMENT**

(This schedule contains only those civil actions listed in the Schedule(s) of Actions submitted with the docketed motion(s) for transfer. See Panel Rules 6.1 and 6.2. In the event these dockets are centralized, other actions of which the Panel has been informed may be subject to transfer pursuant to Panel Rule 7.1.)

**MDL No. 2561 – IN RE: FRANCE BREVETS/NFCT ('551, '664 &'419) PATENT  
LITIGATION**

Motion of plaintiff NXP Semiconductors USA, Inc., to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of California

NXP SEMICONDUCTORS USA, INC. v. FRANCE BREVETS, S.A.S., ET AL.,  
C.A. No. 3:14-01225

Eastern District of Texas

NFC TECHNOLOGY, LLC v. HTC AMERICA, INC., ET AL., C.A. No. 2:13-01058

**MDL No. 2562 – IN RE: BLUE BUFFALO COMPANY, LTD., MARKETING AND  
SALES PRACTICES LITIGATION**

Motion of defendant Blue Buffalo Company, Ltd., to transfer the following actions to the United States District Court for the District of Connecticut:

District of Connecticut

DELRE v. BLUE BUFFALO COMPANY, LTD, C.A. No. 3:14-00768  
RENNA v. BLUE BUFFALO COMPANY, LTD., C.A. No. 3:14-00833

Southern District of Florida

MACKENZIE v. BLUE BUFFALO COMPANY, LTD., C.A. No. 9:14-80634

Southern District of Illinois

STONE v. BLUE BUFFALO COMPANY, LTD., C.A. No. 3:14-00520

Eastern District of Missouri

KEIL v. BLUE BUFFALO COMPANY, LTD., C.A. No. 4:14-00880  
HUTCHISON, ET AL. v. BLUE BUFFALO COMPANY, LTD., C.A. No. 4:14-01070

Eastern District of New York

ANDACKY, ET AL. v. BLUE BUFFALO COMPANY, LTD., C.A. No. 2:14-02938

MDL No. 2563 – **IN RE: HANGTIME, INC., TELEPHONE CONSUMER PROTECTION  
ACT (TCPA) LITIGATION**

Motion of defendant Hangtime, Inc., to transfer the following actions to the United States  
District Court for the Northern District of California:

Northern District of California

KOZLOW v. HANGTIME, INC., C.A. No. 4:14-02249

Northern District of Illinois

GOODMAN v. HANGTIME, INC., C.A. No. 1:14-01022  
SALAM v. HANGTIME, INC., C.A. No. 1:14-01252

District of Massachusetts

SIMS v. HANGTIME, INC., C.A. No. 1:14-10427

MDL No. 2564 - **IN RE: LIFE TIME FITNESS, INC., TELEPHONE CONSUMER  
PROTECTION ACT (TCPA) LITIGATION**

Motion of defendants Life Time Fitness, Inc., and LTF Club Operations Company, Inc., to  
transfer the following actions to the United States District Court for the District of Minnesota:

Northern District of Illinois

SALAM v. LIFE TIME FITNESS, INC., C.A. No. 1:14-02913

District of Minnesota

PETERSEN, ET AL. v. LIFE TIME FITNESS, INC., C.A. No. 0:14-01242

Eastern District of Missouri

GOULD v. LTF CLUB OPERATIONS COMPANY, INC., C.A. No. 4:14-01093

MDL No. 2565 - **IN RE: JOHNSON & JOHNSON AVEENO PRODUCTS MARKETING  
AND SALES PRACTICES LITIGATION**

Motion of plaintiffs Ashley Smith, et al., to transfer the following actions to the United States District Court for the Northern District of Florida:

Northern District of Florida

SMITH, ET AL. v. JOHNSON & JOHNSON CONSUMER COMPANIES, INC.,  
C.A. No. 4:14-00223

Southern District of New York

GOLDEMBERG v. JOHNSON & JOHNSON CONSUMER COMPANIES, INC.,  
C.A. No. 7:13-03073

MDL No. 2566 - **IN RE: TELEXFREE SECURITIES LITIGATION**

Motion of plaintiffs Reverend Jeremiah Githere, et al., to transfer the following actions to the United States District Court for the District of Massachusetts:

Southern District of Florida

GUEVARA v. MERRILL, ET AL., C.A. No. 1:14-22405

Northern District of Georgia

COOK v. TELEXELECTRIC, LLLP, ET AL., C.A. No. 2:14-00134

District of Massachusetts

GITHERE, ET AL. v. TELEXELECTRIC, LLLP, ET AL., C.A. No. 1:14-12825  
MARTIN, ET AL. v. TELEXFREE, INC., ET AL., Bky. Adv. No. 4:14-04044  
CELLUCCI, ET AL. v. TELEXFREE, INC., ET AL., Bky. Adv. No. 4:14-04057

Eastern District of North Carolina

FERGUSON, ET AL. v. TELEXELECTRIC, LLLP, ET AL., C.A. No. 5:14-00316

**MDL No. 2567 – IN RE: PRE-FILLED PROPANE TANK ANTITRUST LITIGATION**

Motion of plaintiff Hartig Drug Company, Inc., to transfer the following actions to the United States District Court for the Western District of Missouri:

District of Kansas

ORTIZ, ET AL. v. FERRELLGAS PARTNERS, L.P., ET AL., C.A. No. 2:14-02257  
GLENVILLE SHELL LLC v. FERRELLGAS, L.P., ET AL., C.A. No. 2:14-02306

Western District of Missouri

HARTIG DRUG COMPANY, INC. v. FERRELLGAS PARTNERS, L.P., ET AL.,  
C.A. No. 2:14-04164  
JASON MOORE'S TEXACO, LLC v. FERRELLGAS PARTNERS, L.P., ET AL.,  
C.A. No. 2:14-04168

**MDL No. 2568 – IN RE: NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF  
MULTIJURISDICTION PRACTICE LITIGATION**

Motion of plaintiffs National Association for the Advancement of Multijurisdiction Practice, et al., to transfer the following actions to the United States District Court for the Eastern District of Pennsylvania or, alternatively, the United States District Court for the District of District of Columbia:

District of District of Columbia

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF MULTIJURISDICTION  
PRACTICE, ET AL. v. ROBERTS, ET AL., C.A. No. 1:13-01963

District of Maryland

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF MULTIJURISDICTION  
PRACTICE, ET AL. v. HOLDER, ET AL., C.A. No. 1:14-02110

District of New Jersey

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF MULTIJURISDICTION  
PRACTICE, ET AL. v. JEROME B. SIMANDLE, ET AL., C.A. No. 1:14-03678

MDL No. 2569 – **IN RE: TEXAS PRISON CONDITIONS–OF–CONFINEMENT  
LITIGATION**

Motion of defendants The Texas Department of Criminal Justice; Brad Livingston; Rick Thaler; Eileen Kennedy; Ernest Gutierrez, Jr.; Richard Alford; Jeff Pringle; Richard Clark; Karen Tate; Sandra Sanders; Robert Eason; Tommie Haynes; Robert Leonard; Brandon Matthews; Debra Gilmore; Sarah Raines; Revoyda Dodd; Dennis Miller; Reginald Goings; Todd Foxworth; Lannette Linthicum; Kerry Collard; Matthew Seda; Tully Flowers; Doris Edwards; James Jones; and Roberto Herrera to transfer the following actions to the United States District Court for the Southern District of Texas:

Eastern District of Texas

WEBB, ET AL. v. LIVINGSTON, ET AL., C.A. No. 6:13–00711  
ADAMS, ET AL. v. LIVINGSTON, ET AL., C.A. No. 6:13–00712  
TOGONIDZE, ET AL. v. LIVINGSTON, ET AL., C.A. No. 6:14–00093

Northern District of Texas

MCCOLLUM, ET AL. v. LIVINGSTON, ET AL., C.A. No. 3:12–02037

Southern District of Texas

HINOJOSA v. LIVINGSTON, ET AL., C.A. No. 2:13–00319  
MARTONE, ET AL. v. LIVINGSTON, ET AL., C.A. No. 4:13–03369  
BAILEY, ET AL. v. LIVINGSTON, ET AL., C.A. No. 4:14–01698

MDL No. 2570 – **IN RE: COOK MEDICAL, INC., IVC FILTERS MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Lara L. Adams, et al., to transfer the following actions to the United States District Court for the Southern District of Indiana:

Central District of California

ROBERT BRADY, ET AL. v. COOK MEDICAL INCORPORATED, ET AL.,  
C.A. No. 2:13–04725

Southern District of Indiana

ADAMS, ET AL. v. COOK MEDICAL, ET AL., C.A. No. 1:13–00013  
JUNG v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 1:13–00925  
NALY v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 1:13–00986  
METRO v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 1:13–01048  
SUMNER v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 1:13–01845



SHAFER, ET AL. v. COOK MEDICAL INCORPORATED, ET AL.,  
C.A. No. 1:13-01946

TASKER v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 1:14-00139

CADENA, ET AL. v. COOK MEDICAL, INC., ET AL., C.A. No. 1:14-00580

MOORE, ET AL. v. COOK MEDICAL INCORPORATED, ET AL.,  
C.A. No. 1:14-00736

ELDER, ET AL. v. COOK MEDICAL INCORPORATED, ET AL.,  
C.A. No. 1:14-00784

WELLS, ET AL. v. COOK MEDICAL INCORPORATED, ET AL.,  
C.A. No. 1:14-00841

CHAPMAN v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 1:14-00998

HARRIS, ET AL. v. COOK MEDICAL, INC., ET AL., C.A. No. 1:14-01034

CASH v. COOK MEDICAL INCORPORATED AKA COOK MEDICAL, INC.,  
ET AL., C.A. No. 1:14-01202

Western District of Kentucky

BOBO v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 5:14-00119

District of Montana

ANGUS v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 1:14-00043

District of Nevada

STOCKTON v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 2:12-02000

TRUE v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 2:13-00413

Eastern District of North Carolina

PERRY-O'FARROW, ET AL. v. COOK MEDICAL INCORPORATED, ET AL.,  
C.A. No. 5:13-00587

Northern District of Ohio

CADLE v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 5:13-01255

Middle District of Pennsylvania

WONDER v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 1:13-02288

WALCK v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 3:13-01839

Middle District of Tennessee

PADGET v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 3:13-00998  
ALLEN v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 3:14-01252

Eastern District of Washington

ESLICK v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 2:14-00135

Northern District of West Virginia

WEST, ET AL. v. COOK MEDICAL INCORPORATED, ET AL., C.A. No. 5:13-00109

MDL No. 2571 – **IN RE: IMPULSE MONITORING, INC., AETNA INTRAOPERATIVE  
MONITORING SERVICES CLAIMS AND EMPLOYEE RETIREMENT  
INCOME SECURITY ACT (ERISA) LITIGATION**

Motion of defendants Aetna Health, Inc.; Aetna Health of California, Inc.; and Aetna Life Insurance Company to transfer the following actions to the United States District Court for the Eastern District of Pennsylvania:

Central District of California

IMPULSE MONITORING, INC. v. AETNA HEALTH OF CALIFORNIA, INC.,  
C.A. No. 2:14-04361

Northern District of Georgia

IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 1:14-02290  
IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 1:14-02291  
IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 1:14-02294  
IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 1:14-02295  
IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 1:14-02300

Eastern District of Louisiana

IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 2:14-01399

District of New Jersey

IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 3:14-03639

District of New Mexico

JEFF WITTMAN OF IMPULSE MONITORING, INC. v. AETNA HEALTH, INC.,  
C.A. No. 1:14-00613

Southern District of Ohio

JEFF WITTMAN OF IMPULSE MONITORING, INC. v. AETNA HEALTH INC.,  
C.A. No. 2:14-00494

Eastern District of Pennsylvania

IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 2:14-04088  
IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 5:14-02972  
IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 5:14-03266

Middle District of Pennsylvania

IMPULSE MONITORING, INC. v. AETNA LIFE INSURANCE COMPANY,  
C.A. No. 3:14-01022

District of South Carolina

IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 3:14-02041

Middle District of Tennessee

IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 3:14-01236  
IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 3:14-01237  
IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 3:14-01238

Western District of Texas

IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 1:14-00500  
IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 3:14-00192  
IMPULSE MONITORING, INC. v. AETNA HEALTH, INC., C.A. No. 3:14-00202

Western District of Virginia

WITTMAN v. AETNA HEALTH, INC., C.A. No. 3:14-00028

**MDL No. 2572 – IN RE: DATAQUILL LIMITED PATENT LITIGATION**

Motion of defendants Huawei Technologies Co., Ltd.; Huawei Device Co., Ltd.; Huawei Technologies, USA, Inc.; Huawei Device USA, Inc.; Futurewei Technologies Inc.; and ZTE (USA) Inc., to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of California

DATAQUILL LIMITED v. APPLE INC., C.A. No. 3:14-02975

Eastern District of Texas

DATAQUILL LIMITED v. HUAWEI TECHNOLOGIES CO. LTD, ET AL.,  
C.A. No. 2:13-00633

DATAQUILL LIMITED v. ZTE CORPORATION, ET AL., C.A. No. 2:13-00634

**MDL No. 2573 – IN RE: LONDON SILVER FIXING, LTD., ANTITRUST LITIGATION**

Motion of plaintiff Eric Nalven to transfer the following actions to the United States District Court for the Eastern District of New York:

Eastern District of New York

NALVEN v. THE LONDON SILVER MARKET FIXING, LTD., ET AL.,  
C.A. No. 1:14-04591

Southern District of New York

NICHOLSON v. THE BANK OF NOVA SCOTIA, ET AL., C.A. No. 1:14-05682

**MDL No. 2574 – IN RE: CAPACITORS ANTITRUST LITIGATION**

Motion of plaintiffs Chip-Tech, Ltd., and Dependable Component Supply Corp., to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of California

CHIP-TECH, LTD. v. PANASONIC CORPORATION, ET AL.,  
C.A. No. 3:14-03264

DEPENDABLE COMPONENT SUPPLY CORP. v. PANASONIC CORPORATION,  
ET AL., C.A. No. 3:14-03300

District of New Jersey

EIQ ENERGY, INC. v. AVX CORPORATION, ET AL., C.A. No. 2:14-04826

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

**MDL No. 1626 – IN RE: ACCUTANE (ISOTRETINOIN) PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Melissa Ashby to transfer of the following action to the United States District Court for the Middle District of Florida:

Central District of California

MELISSA ASHBY v. HOFFMANN-LA ROCHE, INC., ET AL., C.A. No. 2:14-05274

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

Oppositions of defendant Merck Sharp & Dohme Corp. to remand, under 28 U.S.C. § 1407(a), of the following actions to their respective transferor courts:

District of Alaska

STATE OF ALASKA v. MERCK & CO., INC., C.A. No. 3:06-00018

District of Montana

STATE OF MONTANA, ET AL. v. MERCK & CO., INC., C.A. No. 6:06-00007

District of Utah

STATE OF UTAH v. MERCK & CO., INC., C.A. No. 2:06-00406

**MDL No. 1932 – IN RE: FAMILY DOLLAR STORES, INC., WAGE AND HOUR EMPLOYMENT PRACTICES LITIGATION**

Motion of plaintiffs Andrea Samuel, et al., and Wende LaPierre to remand, under 28 U.S.C. § 1407(a), of the following actions to their respective transferor courts:

Southern District of Florida

SAMUEL, ET AL. v. FAMILY DOLLAR STORES OF FLORIDA, INC.,  
C.A. No. 0:11-62560

Northern District of Georgia

LAPIERRE v. FAMILY DOLLAR STORES OF GEORGIA, INC.,  
C.A. No. 3:14-00043

MDL No. 2179 – **IN RE: OIL SPILL BY THE OIL RIG "DEEPWATER HORIZON"  
IN THE GULF OF MEXICO, ON APRIL 20, 2010**

Opposition of plaintiff Christopher Bowers to transfer of the following action to the  
United States District Court for the Eastern District of Louisiana:

Northern District of Florida

BOWERS v. BP EXPLORATION & PRODUCTION, INC., ET AL.,  
C.A. No. 5:14-00150

MDL No. 2286 – **IN RE: MIDLAND CREDIT MANAGEMENT, INC., TELEPHONE  
CONSUMER PROTECTION ACT (TCPA) LITIGATION**

Oppositions of plaintiffs David Moya, et al.; Isabel Domonic Jean-Pierre (Meyers), et al.;  
Diane Floyd; Jessica Suttle; Gina Ortale; and Jamie Rivera to transfer of their respective  
following actions to the United States District Court for the Southern District of California:

Middle District of Florida

MOYA, ET AL. v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 8:14-00845

Northern District of Georgia

JEAN-PIERRE (MEYERS), ET AL. v. VERIZON COMMUNICATIONS, INC.,  
ET AL., C.A. No. 1:14-01545

Northern District of Texas

FLOYD v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 3:14-01843  
SUTTLE v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:14-00369

Southern District of Texas

ORTALE v. MIDLAND CREDIT MANAGEMENT INC., C.A. No. 4:14-01400

Western District of Texas

RIVERA v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 5:14-00438

MDL No. 2327 – **IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS  
LIABILITY LITIGATION**

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

Eastern District of Missouri

BRANNEN, ET AL. v. ETHICON, INC., ET AL., C.A. No. 4:13-01251

Western District of Oklahoma

WADE v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:14-00691

ALLBRITTON v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:14-00692

ANDERSON v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:14-00693

GOOCH v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:14-00694

HALLIBURTON v. JOHNSON & JOHNSON, C.A. No. 5:14-00696

KILLSFIRST v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:14-00697

MCCAUGHTRY v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:14-00698

PAGE, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:14-00699

SPEARS, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:14-00700

TEAGUE v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:14-00701

STATES, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:14-00702

MDL No. 2391 – **IN RE: BIOMET M2A MAGNUM HIP IMPLANT PRODUCTS  
LIABILITY LITIGATION**

Oppositions of plaintiffs Anna Laughlin and Berna L. Williams, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Indiana:

District of Maryland

LAUGHLIN v. SHOOP, ET AL., C.A. No. 8:14-01645

Eastern District of Missouri

WILLIAMS, ET AL. v. BIOMET, INC., ET AL., C.A. No. 4:14-01044



MDL No. 2409 – **IN RE: NEXIUM (ESOMEPRAZOLE) ANTITRUST LITIGATION**

Opposition of plaintiffs Time Insurance Company, et al., and Cariten Insurance Company, et al., to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

Eastern District of Pennsylvania

TIME INSURANCE COMPANY, ET AL. v. ASTRAZENECA AB, ET AL.,  
C.A. No. 2:14-04149  
CARITEN INSURANCE COMPANY, ET AL. v. ASTRAZENECA AB, ET AL.,  
C.A. No. 2:14-04156

MDL No. 2419 – **IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.,  
PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Patricia A. Mitchell to transfer of the following action to the United States District Court for the District of Massachusetts:

Western District of Virginia

MITCHELL v. INSIGHT HEALTH CORP., ET AL., C.A. No. 7:14-00278

MDL No. 2428 – **IN RE: FRESENIUS GRANUFLO/NATURALYTE DIALYSATE  
PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Garland Carter, et al., plaintiffs Nathaniel Taylor, et al., and defendants Total Renal Care, Inc.; DaVita Healthcare Partners, Inc.; DaVita RX, LLC; and SAKDC-DaVita Dialysis Partners, L.P., to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

Central District of California

GARLAND CARTER, ET AL. v. FRESENIUS USA, INC., ET AL.,  
C.A. No. 2:14-04578

Eastern District of Missouri

TAYLOR, ET AL. v. FRESENIUS MEDICAL CARE NORTH AMERICA, INC.,  
ET AL., C.A. No. 4:14-00980

Southern District of Texas

CANTU v. FRESENIUS MEDICAL CARE HOLDINGS, INC., ET AL.,  
C.A. No. 2:14-00267

MDL No. 2441 – **IN RE: STRYKER REJUVENATE AND ABG II HIP IMPLANT  
PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Public Employees Local 71 Trust Fund to transfer of the following  
action to the United States District Court for the District of Minnesota:

District of Alaska

PUBLIC EMPLOYEES LOCAL 71 TRUST FUND v. HOWMEDICA OSTEONICS  
CORP., C.A. No. 3:14-00131

MDL No. 2452 – **IN RE: INCRETIN-BASED THERAPIES PRODUCTS LIABILITY  
LITIGATION**

Opposition of plaintiff Phillip N. Golomb to transfer of the following action to the United  
States District Court for the Southern District of California:

Middle District of Alabama

GOLOMB v. MERCK & CO., INC., ET AL., C.A. No. 2:14-00599

MDL No. 2478 – **IN RE: CONVERGENT TELEPHONE CONSUMER PROTECTION  
ACT (TCPA) LITIGATION**

Opposition of plaintiff John J. Tauro to transfer of the *Tauro* action to the United States  
District Court for the District of Connecticut and motion of defendant Convergent Outsourcing,  
Inc., to transfer the *Robinson* action to the United States District Court for the District of  
Connecticut:

Western District of Pennsylvania

TAURO v. CONVERGENT OUTSOURCING, INC., C.A. No. 2:14-00761

Eastern District of Virginia

ROBINSON v. CONVERGENT OUTSOURCING, C.A. No. 2:14-00228

MDL No. 2493 – **IN RE: MONITRONICS INTERNATIONAL, INC., TELEPHONE  
CONSUMER PROTECTION ACT (TCPA) LITIGATION**

Motion of defendant Alliance Security, Inc., to transfer the following action to the United States District Court for the Northern District of West Virginia:

Middle District of Tennessee

CUNNINGHAM v. ALLIANCE SECURITY, ET AL., C.A. No. 3:14-00769

MDL No. 2502 – **IN RE: LIPITOR (ATORVASTATIN CALCIUM) MARKETING,  
SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION  
(NO. II)**

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

Central District of California

MAGGY GARABEDIAN, ET AL. v. PFIZER, INC., ET AL., C.A. No. 2:14-04391

MDL No. 2543 – **IN RE: GENERAL MOTORS LLC IGNITION SWITCH LITIGATION**

Oppositions of plaintiffs Stephen Yagman; Amanda Morgan, et al.; James Boyd, et al.; and Erin E. Kandziora to transfer of their respective following actions to the United States District Court for the Southern District of South New York and motions of defendant General Motors LLC to transfer the Elliott and Phillips actions to the United States District Court for the Southern District of New York:

Central District of California

STEPHEN YAGMAN v. GENERAL MOTORS COMPANY, ET AL.,  
C.A. No. 2:14-04696

District of District of Columbia

ELLIOTT, ET AL. v. GENERAL MOTORS LLC, C.A. No. 1:14-00691

Western District of Louisiana

MORGAN, ET AL. v. GENERAL MOTORS LLC, C.A. No. 5:14-01058

Eastern District of Missouri

BOYD, ET AL. v. GENERAL MOTORS LLC, C.A. No. 4:14-01205

Southern District of Texas

PHILLIPS v. GENERAL MOTORS LLC, C.A. No. 3:14-00192

Eastern District of Wisconsin

KANDZIORA v. GENERAL MOTORS LLC, ET AL., C.A. No. 2:14-00801

MDL No. 2545 – **IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS  
LIABILITY LITIGATION**

Oppositions of plaintiffs Albert Tooley Lint, Roland Calvin Keith Bass, and Randall Olen Swallow and defendant Gregory Funk, D.O., to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

Southern District of Alabama

POTTS, ET AL. v. AUXILIUM PHARMACEUTICALS, INC., ET AL.,  
C.A. No. 1:14-00345

Western District of Texas

LINT v. DPT LABORATORIES, LTD., ET AL., C.A. No. 5:14-00458  
BASS v. DPT LABORATORIES, LTD., ET AL., C.A. No. 5:14-00518  
SWALLOW v. DPT LABORATORIES, LTD., ET AL., C.A. No. 5:14-00618

RULE 11.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Schedule. The Panel shall schedule sessions for oral argument and consideration of other matters as desirable or necessary. The Chair shall determine the time, place and agenda for each hearing session. The Clerk of the Panel shall give appropriate notice to counsel for all parties. The Panel may continue its consideration of any scheduled matters.

(b) Oral Argument Statement. Any party affected by a motion may file a separate statement 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 limited to 2 pages.

- (i) The parties affected by a motion to transfer may agree to waive oral argument. The Panel will take this into consideration in determining the need for oral argument.

(c) Hearing Session. The Panel shall not consider transfer or remand of any action pending in a federal district court when any party timely opposes such transfer or remand without first holding a hearing session for the presentation of oral argument. 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 and oral argument would not significantly aid the decisional process.

Unless otherwise ordered, the Panel shall consider all other matters, such as a motion for reconsideration, upon the basis of the pleadings.

(d) Notification of Oral Argument. The Panel shall promptly notify counsel of those matters in which oral argument is scheduled, as well as those matters that the Panel will consider on the pleadings. The Clerk of the Panel shall require counsel to file and serve notice of their intent to either make or waive oral argument. Failure to do so shall be deemed a waiver of oral argument. If counsel does not attend oral argument, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision on the basis of the pleadings filed.

- (i) Absent Panel approval and for good cause shown, only those parties to actions who have filed a motion or written response to a motion or order shall be permitted to present oral argument.
- (ii) The Panel will not receive oral testimony except upon notice, motion and an order expressly providing for it.

(e) Duty to Confer. Counsel in an action set for oral argument shall confer separately prior to that argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication. Oral argument is a means for counsel to emphasize the key points of their arguments, and to update the Panel on any events since the conclusion of briefing.

(f) Time Limit for Oral Argument. Barring exceptional circumstances, the Panel shall allot a maximum of 20 minutes for oral argument in each matter. The time shall be divided among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.