

**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 under 28 U.S.C. § 1407.

DATE OF HEARING SESSION: **May 25, 2017**

LOCATION OF HEARING SESSION: John H. Wood, Jr. United States Courthouse
Courtroom #1, First Floor
655 East Cesar E. Chavez Boulevard
San Antonio, Texas 78206

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) need not attend 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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- The Panel expects attorneys presenting oral argument to be prepared to discuss what steps they have taken to pursue alternatives to centralization including, but not limited to, engaging in informal coordination of discovery and scheduling, and seeking Section 1404 transfer of one or more of the subject cases.

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 **May 8, 2017**. 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 Texas

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 May 25, 2017, the Panel will convene a hearing session in San Antonio, Texas, 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



Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

SCHEDULE OF MATTERS FOR HEARING SESSION
May 25, 2017 -- San Antonio, Texas

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. 2778 – IN RE: MONAVIE JUICE PRODUCTS MARKETING AND SALES
PRACTICES LITIGATION**

Motion of plaintiffs Andrew Harbut and Lisa Pontrelli to transfer the following actions to the United States District Court for the District of Utah:

Central District of California

PARKER, ET AL. v. MONAVIE, INC., ET AL., C.A. No. 5:12-01983

District of New Jersey

PONTRELLI v. MONA VIE, INC., ET AL., C.A. No. 2:13-04649

District of Utah

STARR INDEMNITY & LIABILITY v. MONAVIE, INC., ET AL.,
C.A. No. 2:14-00395

**MDL No. 2779 – IN RE: FIELDTURF ARTIFICIAL TURF MARKETING AND SALES
PRACTICES LITIGATION**

Motion of defendants FieldTurf USA, Inc.; FieldTurf, Inc.; Tarkett, Inc.; and FieldTurf Tarkett SAS to transfer the following actions to the United States District Court for the District of New Jersey:

Central District of California

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT v. FIELDTURF, USA,
INC., ET AL., C.A. No. 2:17-01214

Eastern District of California

LAKE TAHOE UNIFIED SCHOOL DISTRICT v. FIELDTURF, USA, INC., ET AL.,
C.A. No. 2:17-00405

District of Minnesota

THE PAW, INC., v. FIELDTURF USA, INC., ET AL., C.A. No. 0:17-00274

District of New Jersey

CARTERET v. FIELDTURF USA, INC., ET AL., C.A. No. 2:16-09252
GENTILE v. FIELDTURF USA, INC., ET AL., C.A. No. 2:17-00173

MDL No. 2780 – **IN RE: BRAZILIAN PROSTHETIC DEVICE BRIBERY LITIGATION**

Motion of plaintiff Associação Brasileira de Medicina de Grupo to transfer the following actions to the United States District Court for the Northern District of Illinois:

District of Delaware

ASSOCIACAO BRASILEIRA DE MEDICINA DE GRUPO v. BOSTON SCIENTIFIC
CORPORATION, ET AL., C.A. No. 1:16-01184

Northern District of Illinois

ASSOCIACAO BRASILEIRA DE MEDICINA DE GRUPO D/B/A ABRAMGE v.
ABBOTT LABORATORIES, INC., C.A. No. 1:16-11326

Western District of Michigan

ASSOCIACAO BRASILEIRA DE MEDICINA DE GRUPO v. STRYKER
CORPORATION, C.A. No. 1:16-01366

MDL No. 2782 – **IN RE: ETHICON PHYSIOMESH FLEXIBLE COMPOSITE HERNIA MESH PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Alison Keefer, et al.; Lillian Graham; Edith J. Carr, et al.; Sarah Ann Gilman; David A. Sunter; Connie Franklin, et al.; Henry Lee Brown; Jeffrey Leyton Winfrey; and Eddie Shelton, et al., to transfer the following actions to the United States District Court for the Middle District of Florida or, in the alternative, the United States District Court for the Southern District of Illinois:

District of Colorado

BARAKOVA, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:17-00543
KEEFER, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:17-00603

Middle District of Florida

GRAHAM v. JOHNSON & JOHNSON, ET AL., C.A. No. 3:17-00229
QUINN v. ETHICON, INC., ET AL., C.A. No. 6:16-01663
CARR, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 6:17-00393
MILLER v. JOHNSON & JOHNSON, ET AL., C.A. No. 6:17-00503
GILMAN v. JOHNSON & JOHNSON, ET AL., C.A. No. 8:16-03502
SUNTER v. JOHNSON & JOHNSON, ET AL., C.A. No. 8:17-00113

Middle District of Georgia

FRANKLIN, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-00031

Northern District of Georgia

BROWN v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-00036
WINFREY v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-00040

Southern District of Illinois

HUFF v. ETHICON, INC., C.A. No. 3:16-00368
WORRELL v. ETHICON, INC., ET AL., C.A. No. 3:17-00172

Eastern District of Kentucky

CARRILLO v. JOHNSON & JOHNSON, ET AL., C.A. No. 7:17-00037

District of Massachusetts

WATRING v. ETHICON, INC., C.A. No. 1:16-12278

District of New Jersey

RAMEY v. JOHNSON & JOHNSON, ET AL., C.A. No. 3:17-01455

Northern District of Oklahoma

COX v. ETHICON, INC., C.A. No. 4:16-00729

District of South Carolina

SHELTON, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:17-00614

MDL No. 2783 – **IN RE: PREVAGEN PRODUCTS MARKETING AND SALES
PRACTICES LITIGATION**

Motion of defendants Quincy Bioscience Holding Company, Inc.; Quincy Bioscience, LLC; Prevagen, Inc. d/b/a Sugar River Supplements; Quincy Bioscience Manufacturing, LLC; Mark Underwood; and Michael Beaman to transfer the following actions to the United States District Court for the Southern District of New York:

Northern District of California

RACIES v. QUINCY BIOSCIENCE, LLC, C.A. No. 4:15-00292

District of New Jersey

VANDERWERFF v. QUINCY BIOSCIENCE HOLDING COMPANY, INC., ET AL.,
C.A. No. 2:17-00784

Eastern District of New York

KARATHANOS v. QUINCY BIOSCIENCE HOLDING COMPANY, INC., ET AL.,
C.A. No. 2:17-01091

Southern District of New York

FEDERAL TRADE COMMISSION, ET AL. v. QUINCY BIOSCIENCE HOLDING
COMPANY, INC., ET AL., C.A. No. 1:17-00124

MDL No. 2784 - **IN RE: UBER TECHNOLOGIES, INC., WAGE AND HOUR
EMPLOYMENT PRACTICES LITIGATION (NO. II)**

Motion of plaintiff Sebastian A. Rojas to transfer the following actions to the United States District Court for the Southern District of Florida:

Southern District of Florida

ROJAS v. UBER TECHNOLOGIES, INC., ET AL., C.A. No. 1:16-23670

Middle District of North Carolina

HOOD v. UBER TECHNOLOGIES, INC., ET AL., C.A. No. 1:16-00998

Eastern District of Tennessee

ROMINE v. UBER TECHNOLOGIES, INC., ET AL., C.A. No. 3:16-00371

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL No. 2199 – **IN RE: POM WONDERFUL LLC MARKETING AND SALES
PRACTICES LITIGATION**

Motion of plaintiffs for remand, pursuant to 28 U.S.C. § 1407(a), of their respective following actions to their respective transferor courts:

Western District of Arkansas

PIROLOZZI, ET AL. v. POM WONDERFUL, LLC, ET AL., C.A. No. 6:10-06082

Northern District of California

HOLTER v. POMWONDERFUL LLC, C.A. No. 3:10-05583

Southern District of Florida

GILES v. POM WONDERFUL LLC, C.A. No. 0:10-61684

Southern District of Georgia

TEMPLETON v. POM WONDERFUL, LLC, ET AL., C.A. No. 4:12-00053

Northern District of Illinois

FLAHERTY v. POM WONDERFUL, LLC, ET AL., C.A. No. 1:10-07349

District of Kansas

HAYNES v. POM WONDERFUL, LLC, ET AL., C.A. No. 2:10-02663

Western District of Missouri

WILKINSON v. POM WONDERFUL, ET AL., C.A. No. 2:10-01266

Southern District of New York

SEARLS v. POM WONDERFUL, LLC, ET AL., C.A. No. 1:10-08678

Northern District of Ohio

POGREBINSKY v. POM WONDERFUL, LLC, C.A. No. 1:10-01455
CHAPMAN v. POM WONDERFUL, LLC, ET AL., C.A. No. 1:10-02599

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

Opposition of plaintiff Alan Pearson to transfer of the following action to the United States District Court for the Southern District of California:

Eastern District of Louisiana

PEARSON v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 2:17-01580

MDL No. 2295 – **IN RE: PORTFOLIO RECOVERY ASSOCIATES, LLC, TELEPHONE
CONSUMER PROTECTION ACT (TCPA) LITIGATION**

Oppositions of plaintiffs Adrian Claiborne, Robert R. Vsetula, and Kevin Vance to transfer of their respective following actions to the United States District Court for the Southern District of California:

Middle District of Georgia

CLAIBORNE v. PORTFOLIO RECOVERY ASSOCIATES LLC, C.A. No. 5:17-00065

Western District of Michigan

VSETULA v. PORTFOLIO RECOVERY ASSOCIATES, LLC, C.A. No. 1:17-00043
VANCE v. PORTFOLIO RECOVERY ASSOCIATES, LLC, C.A. No. 1:17-00110

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

Opposition of plaintiffs Cinthia Cuevas, et al., to transfer of the following action to the United States District Court for the Southern District of West Virginia:

Eastern District of Missouri

CUEVAS, ET AL. v. ETHICON, INC., ET AL., C.A. No. 4:17-00498

MDL No. 2434 – **IN RE: MIRENA IUD PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Tonetta S. Davis to transfer of the following action to the United States District Court for the Southern District of New York:

Northern District of Illinois

DAVIS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 1:17-02060

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

Motion of defendant Convergent Outsourcing, Inc., to transfer the following actions to the United States District Court for the District of Connecticut:

District of Kansas

ROBINSON v. CONVERGENT OUTSOURCING, INC., C.A. No. 2:17-02066

Eastern District of Louisiana

BOWENS v. CONVERGENT OUTSOURCING, INC., C.A. No. 2:16-16752

Eastern District of Oklahoma

HURLEY v. CONVERGENT OUTSOURCING, INC., C.A. No. 6:17-00059

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

Opposition of plaintiff Amber Synott to transfer of the following action to the United States District Court for the Southern District of New York:

District of Connecticut

SYNOTT v. GENERAL MOTORS LLC, ET AL., C.A. No. 3:17-00098

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

Opposition of plaintiffs Clint Clark, et al., to transfer of the following action to the United States District Court for the Southern District of Indiana:

Eastern District of Missouri

CLARK, ET AL. v. COOK GROUP, INC., ET AL., C.A. No. 4:17-00771

MDL No. 2592 – **IN RE: XARELTO (RIVAROXABAN) PRODUCTS LIABILITY LITIGATION**

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

Central District of California

MORY v. JANSSEN RESEARCH AND DEVELOPMENT, LLC, ET AL.,
C.A. No. 2:17-01954

MDL No. 2613 – **IN RE: TD BANK, N.A., DEBIT CARD OVERDRAFT FEE LITIGATION**

Opposition of plaintiff Shaina Dorsey to transfer of the following action to the United States District Court for the District of South Carolina:

District of New Jersey

DORSEY v. TD BANK, N.A., C.A. No. 1:17-00074

MDL No. 2641 – **IN RE: BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiffs Kaleidah Jackson, et al., to transfer of the following action to the United States District Court for the District of Arizona:

Eastern District of Missouri

JACKSON, ET AL. v. C. R. BARD, INC., ET AL., C.A. No. 4:17-00974

MDL No. 2666 – **IN RE: BAIR HUGGER FORCED AIR WARMING DEVICES
PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Leonard Smalls to transfer of the following action to the United States District Court for the District of Minnesota:

Eastern District of New York

SMALLS v. 3M COMPANY, ET AL., C.A. No. 1:17-01100

MDL No. 2672 – **IN RE: VOLKSWAGEN "CLEAN DIESEL" MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Marshall Allman, et al.; Norman Brooks, et al.; and Joshua Cantu, et al., to transfer of their respective following actions to the United States District Court for the Northern District of California:

Central District of California

ALLMAN, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 2:17-01369

Middle District of Florida

BROOKS, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 8:17-00314

Southern District of Texas

CANTU, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 1:17-00012

MDL No. 2722 – **IN RE: MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC,
PATENT LITIGATION**

Motion of defendant Cellco Partnership d/b/a Verizon Wireless to transfer the following action to the United States District Court for the District of Delaware:

Eastern District of Texas

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC v. CELLCO
PARTNERSHIP D/B/A VERIZON WIRELESS, C.A. No. 2:16-01324

MDL No. 2738 – **IN RE: JOHNSON & JOHNSON TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

Oppositions of plaintiffs Kerry Ghormley, et al.; Jean Krueger, et al.; Mari-Grace Hensley, et al.; and Bernadine Moore, et al., to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Eastern District of Missouri

GHORMLEY, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-00585
KRUEGER, ET AL. v. JOHNSON & JOHNSON, INC., ET AL., C.A. No. 4:17-00839
HENSLEY, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-00972

Eastern District of Pennsylvania

MOORE, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:17-01164

MDL No. 2740 – **IN RE: TAXOTERE (DOCETAXEL) PRODUCTS LIABILITY
LITIGATION**

Oppositions of plaintiffs Vera Smith; Judy Johnson; and Emma J. Whitted, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Central District of California

SMITH v. SANOFI-AVENTIS U.S. LLC, ET AL., C.A. No. 2:17-00870

Eastern District of California

JOHNSON v. SANOFI S.A., ET AL., C.A. No. 1:17-00196

Eastern District of Missouri

WHITTED, ET AL. v. SANOFI S.A., ET AL., C.A. No. 4:17-00769

MDL No. 2742 – **IN RE: SUNEDISON, INC., SECURITIES LITIGATION**

Opposition of plaintiff Carlos Domenech Zornoza to transfer of the following action to the United States District Court for the Southern District of New York:

District of Maryland

ZORNOZA v. TERRAFORM GLOBAL, INC., ET AL., C.A. No. 8:17-00515

MDL No. 2754 – **IN RE: ELIQUIS (APIXABAN) 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:

Central District of California

LEBASTCHI v. MCKESSON CORPORATION, ET AL., C.A. No. 2:16-08115
DELLUTRI v. MCKESSON CORPORATION, ET AL., C.A. No. 2:16-08124
WILLIAMS v. MCKESSON CORPORATION, ET AL., C.A. No. 2:16-08133
AGUIRRE, ET AL. v. MCKESSON CORPORATION, ET AL., C.A. No. 2:16-08137
BARKSKY, ET AL. v. MCKESSON CORPORATION, ET AL., C.A. No. 2:16-09516
JACKSON, ET AL. v. MCKESSON CORPORATION, ET AL., C.A. No. 2:17-00354
GARCIA, ET AL. v. MCKESSON CORPORATION, ET AL., C.A. No. 2:17-01385
HAYES v. MCKESSON CORPORATION, ET AL., C.A. No. 5:16-02280
ALTARE, ET AL. v. MCKESSON CORPORATION, ET AL., C.A. No. 5:16-02621
STUART v. MCKESSON CORPORATION, ET AL., C.A. No. 8:16-01988

Eastern District of California

STARK, ET AL. v. MCKESSON CORPORATION, ET AL., C.A. No. 2:17-00095

Northern District of California

SCHNEIDER v. MCKESSON CORPORATION, ET AL., C.A. No. 3:17-00876
HERNANDEZ v. MCKESSON CORPORATION, ET AL., C.A. No. 3:17-00891
STETLER, ET AL. v. MCKESSON CORPORATION, ET AL., C.A. No. 4:17-00895
LAUACHUS, ET AL. v. MCKESSON CORPORATION, ET AL., C.A. No. 4:17-01286

Southern District of California

QUARG v. MCKESSON CORPORATION, ET AL., C.A. No. 3:16-02711
FONGER, ET AL. v. MCKESSON CORPORATION, ET AL., C.A. No. 3:16-02719

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.