

**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 26, 2016**

LOCATION OF HEARING SESSION: Everett McKinley Dirksen
United States Courthouse
Courtroom No. 2525, 25th Floor
219 South Dearborn Street
Chicago, Illinois 60604

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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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 9, 2016**. 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 Northern District of Illinois

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 26, 2016, the Panel will convene a hearing session in Chicago, Illinois, 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 26, 2016 -- Chicago, Illinois

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. 2704 – IN RE: INTEREST RATE SWAPS ANTITRUST LITIGATION

Motion of plaintiffs Public School Teachers' Pension and Retirement Fund of Chicago, et al., to transfer the following actions to the United States District Court for the Southern District of New York:

Northern District of Illinois

HARRISON COUNTY, MISSISSIPPI, ET AL. v. BANK OF AMERICA CORPORATION, ET AL., C.A. No. 1:16-02382

Southern District of New York

PUBLIC SCHOOL TEACHERS' PENSION AND RETIREMENT FUND OF CHICAGO v. BANK OF AMERICA CORPORATION, ET AL., C.A. No. 1:15-09319

MDL No. 2705 – IN RE: 100% GRATED PARMESAN CHEESE MARKETING AND SALES PRACTICES LITIGATION

Motion of plaintiffs Richard Evans, Taniesha Harwell, Michael Greene, Jose Brown, Dallas Moreno, Debra Jackson, Andrew Mateki, and Beverly Schulze to transfer the following actions to the United States District Court for the Eastern District of Missouri:

Central District of California

BUSTAMANTE, ET AL. v. WAL-MART STORES, INC., ET AL., C.A. No. 2:16-01265

Northern District of California

LEWIN v. KRAFT HEINZ FOODS COMPANY, C.A. No. 3:16-00823

Northern District of Florida

BROWN v. WAL-MART STORES, INC., C.A. No. 1:16-00050
GREENE v. KRAFT HEINZ FOOD COMPANY, C.A. No. 3:16-00077

Northern District of Illinois

AVERHART v. KRAFT HEINZ FOODS COMPANY, C.A. No. 1:16-02626

Southern District of Illinois

SCHULZE v. WAL-MART STORES, INC., C.A. No. 3:16-00208
MATECKI v. KRAFT HEINZ FOOD COMPANY, C.A. No. 3:16-00209

District of Minnesota

JACKSON v. WAL-MART STORES, INC., C.A. No. 0:16-00498
MORENO v. KRAFT HEINZ FOODS COMPANY, C.A. No. 0:16-00499

Eastern District of Missouri

EVANS v. KRAFT HEINZ FOOD COMPANY, C.A. No. 4:16-00257
HARWELL v. WAL-MART STORES, INC., C.A. No. 4:16-00265

Eastern District of New York

ADER, ET AL. v. KRAFT HEINZ FOODS COMPANY, C.A. No. 2:16-00963

Southern District of New York

MOSCHETTA v. WAL-MART STORES, INC., C.A. No. 7:16-01377

MDL No. 2706 - **IN RE: CORDARONE (AMIODARONE HYDROCHLORIDE)
MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

Motion of plaintiff Heather Moore Cook to transfer the following actions to the United States District Court for the Western District of Texas:

Northern District of Alabama

ALLAIN v. WYETH-AYERST LABORATORIES, INC., ET AL.,
C.A. No. 2:14-00280

COOK v. WYETH PHARMACEUTICALS, INC., ET AL., C.A. No. 2:15-00529

Northern District of California

COLLETTE v. WYETH PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-01034

Northern District of Illinois

HERNANDEZ v. WYETH-AYERST LABORATORIES, INC., ET AL.,
C.A. No. 1:15-11176

Eastern District of Kentucky

MOORE v. WYETH-AYERST LABORATORIES, INC., ET AL.,
C.A. No. 3:16-00017

Eastern District of North Carolina

PERDUE v. WYETH PHARMACEUTICALS, INC., ET AL., C.A. No. 4:15-00208

Western District of Texas

RUSK, ET AL. v. SANDOZ INC., C.A. No. 1:14-00549
PRIEST v. SANDOZ INC., C.A. No. 1:15-00822

Western District of Wisconsin

MARVIN, ET AL. v. SANDOZ INCORPORATED, ET AL., C.A. No. 3:15-00749

**MDL No. 2707 - IN RE: KRAFT 100% GRATED PARMESAN CHEESE MARKETING
AND SALES PRACTICES LITIGATION**

Motion of plaintiffs Rosemary Quinn, et al., to transfer the following actions to the
United States District Court for the Southern District of New York:

Northern District of California

LEWIN v. KRAFT HEINZ FOODS COMPANY, C.A. No. 3:16-00823

Northern District of Florida

GREENE v. KRAFT HEINZ FOOD COMPANY, C.A. No. 3:16-00077

Northern District of Illinois

AVERHART v. KRAFT HEINZ FOODS COMPANY, C.A. No. 1:16-02626
HECHMER, ET AL. v. KRAFT HEINZ FOODS COMPANY, ET AL.,
C.A. No. 1:16-02687

Southern District of Illinois

MATECKI v. KRAFT HEINZ FOOD COMPANY, C.A. No. 3:16-00209

District of Minnesota

MORENO v. KRAFT HEINZ FOODS COMPANY, C.A. No. 0:16-00499

Eastern District of Missouri

EVANS v. KRAFT HEINZ FOOD COMPANY, C.A. No. 4:16-00257

Eastern District of New York

ADER, ET AL. v. KRAFT HEINZ FOODS COMPANY, C.A. No. 2:16-00963

Southern District of New York

QUINN, ET AL. v. THE KRAFT HEINZ COMPANY, C.A. No. 7:16-01471

MDL No. 2708 - **IN RE: WAL-MART GREAT VALUE 100% GRATED PARMESAN
CHEESE MARKETING AND SALES PRACTICES LITIGATION**

Motion of plaintiffs Alan Ducorsky, et al., to transfer the following actions to the United States District Court for the Southern District of New York:

Central District of California

BUSTAMANTE, ET AL. v. WAL-MART STORES, INC., ET AL.,
C.A. No. 2:16-01265

Northern District of Florida

BROWN v. WAL-MART STORES, INC., C.A. No. 1:16-00050

Northern District of Illinois

HECHMER, ET AL. v. KRAFT HEINZ FOODS COMPANY, ET AL.,
C.A. No. 1:16-02687

Southern District of Illinois

SCHULZE v. WAL-MART STORES, INC., C.A. No. 3:16-00208

District of Minnesota

JACKSON v. WAL-MART STORES, INC., C.A. No. 0:16-00498

Eastern District of Missouri

HARWELL v. WAL-MART STORES, INC., C.A. No. 4:16-00265

Southern District of New York

MOSCHETTA v. WAL-MART STORES, INC., C.A. No. 7:16-01377
DUCORSKY, ET AL. v. WAL-MART STORES, INC., C.A. No. 7:16-01571

**MDL No. 2709 - IN RE: DOLLAR GENERAL CORP. MOTOR OIL MARKETING AND
SALES PRACTICES LITIGATION**

Motion of defendants Dollar General Corporation; Dolgencorp, LLC; and DG Retail, LLC to transfer the following actions to the United States District Court for the Eastern District of Michigan, or in the alternative, to the United States District Court for the Western District of Missouri or the United States District Court for the Southern District of Florida:

Western District of Arkansas

WAIT v. DOLLAR GENERAL CORPORATION, ET AL., C.A. No. 5:16-05036

Central District of California

VEGA v. DOLGENCORP LLC, C.A. No. 5:16-00242

District of Colorado

BROWN v. DOLLAR GENERAL CORPORATION, ET AL., C.A. No. 1:16-00310

Southern District of Florida

BARFOOT, ET AL. v. DOLGENCORP, LLC, C.A. No. 1:15-24662

Northern District of Illinois

SOLIS v. DOLLAR GENERAL, ET AL., C.A. No. 1:16-02196

District of Kansas

MEYER v. DOLLAR GENERAL CORPORATION, ET AL., C.A. No. 2:16-02091

Eastern District of Kentucky

FOPPE v. DOLLAR GENERAL CORPORATION, ET AL., C.A. No. 2:16-00026

District of Maryland

MCCORMICK v. DOLGENCORP, LLC, C.A. No. 1:15-03939

Eastern District of Michigan

GOOEL v. DOLGENCORP, LLC, C.A. No. 2:16-10439

District of Minnesota

SHEEHY v. DOLLAR GENERAL CORPORATION, ET AL., C.A. No. 0:16-00319

Western District of Missouri

OREN v. DOLLAR GENERAL CORPORATION, ET AL., C.A. No. 4:16-00105

District of Nebraska

HARVEY v. DOLLAR GENERAL CORPORATION, ET AL., C.A. No. 8:16-00072

District of New Jersey

FLINN v. DOLGENCORP, LLC, C.A. No. 1:15-08713

Southern District of New York

GADSON v. DOLGENCORP, LLC, C.A. No. 1:16-00952

Southern District of Ohio

FRUHLING v. DOLLAR GENERAL CORPORATION, ET AL., C.A. No. 1:16-00300

Northern District of Oklahoma

SISEMORE v. DOLGENCORP, LLC, C.A. No. 4:15-00724

Southern District of Texas

DECK v. DOLLAR GENERAL CORPORATION, C.A. No. 4:15-03680

District of Vermont

HILL v. DOLGENCORP, LLC, C.A. No. 2:16-00026

MDL No. 2710 – **IN RE: COMCAST CORP. WAGE AND HOUR EMPLOYMENT
PRACTICES LITIGATION**

Motion of plaintiffs to transfer the following actions to the United States District Court
for the Northern District of California:

Central District of California

ZIMMERMAN, ET AL. v. COMCAST CABLE COMMUNICATIONS
MANAGEMENT, LLC, ET AL., C.A. No. 2:15-08224

Eastern District of California

LANDIN, JR., ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 1:15-01416
HALL v. COMCAST OF CONTRA COSTA, INC., ET AL., C.A. No. 1:15-01484
FLORES, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 1:15-01521
DAVIS, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 1:15-01544
GRIMES, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 1:15-01596
MCBRIDE, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 2:15-01965

ELKINS, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 2:15-02075
PAEZ, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 2:15-02149
COOK, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 2:15-02152
HUFFMAN, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 2:15-02186

Northern District of California

CANADAY, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 4:15-04648
ORTEGA, JR., ET AL. v. COMCAST, ET AL., C.A. No. 4:15-04676
WILLIAMS, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 4:15-04732
VALENCIA, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 4:15-04771
COLEMAN, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 4:15-04782
NELSON, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 4:15-04793
DUBOIS, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 4:15-04809
PETERS, ET AL. v. COMCAST CORPORATION, ET AL., C.A. No. 4:15-04869

**MDL No. 2711 - IN RE: TRADER JOE'S COMPANY TUNA MARKETING AND SALES
PRACTICES LITIGATION**

Motion of plaintiff Kathy Aliano to transfer the following actions to the United States District Court for the Central District of California or in the alternative, to the United States District Court for the Northern District of Illinois:

Central District of California

JOSEPH v. TRADER JOES COMPANY, C.A. No. 2:16-01371

Northern District of Illinois

ALIANO v. TRADER JOE'S COMPANY, C.A. No. 1:16-02623

Southern District of New York

MAGIER, ET AL. v. TRADER JOE'S COMPANY, ET AL., C.A. No. 1:16-00043

MDL No. 2712 – **IN RE: AIR CRASH OVER THE SOUTHERN INDIAN OCEAN, ON
MARCH 8, 2014**

Motion of defendants Malaysian Airline System Berhad and Malaysia Airlines Berhad to transfer the following actions to the United States District Court for the Northern District of Illinois:

Central District of California

ZHANG, ET AL. v. MALAYSIA AIRLINES BERHAD, ET AL., C.A. No. 2:16-01549

District of District of Columbia

WOOD v. MALAYSIA AIRLINES BERHAD, ET AL., C.A. No. 1:16-00053
GASPARD v. MALAYSIA AIRLINES BERHAD, ET AL., C.A. No. 1:16-00419
SMITH v. MALAYSIA AIRLINES BERHAD, ET AL., C.A. No. 1:16-00439

Northern District of Illinois

GANGULI v. MALAYSIA AIRLINES BERHAD, ET AL., C.A. No. 1:15-11832

Southern District of New York

RIES v. MALAYSIAN AIRLINE SYSTEM BERHAD, C.A. No. 1:16-00690
HUANG, ET AL. v. MALAYSIA AIRLINES BERHAD, ET AL., C.A. No. 1:16-00890
KANAN, ET AL. v. MALAYSIA AIRLINES SYSTEM BERHAD, ET AL.,
C.A. No. 1:16-01728

MDL No. 2713 – **IN RE: FEDERAL HOUSING FINANCE AGENCY, ET AL.,
PREFERRED STOCK PURCHASE AGREEMENTS THIRD
AMENDMENT LITIGATION**

Motion of defendant Federal Housing Finance Agency to transfer the following actions to the United States District Court for the District of Columbia:

District of Delaware

JACOBS, ET AL. v. FEDERAL HOUSING FINANCE AGENCY, ET AL.,
C.A. No. 1:15-00708

Northern District of Illinois

ROBERTS, ET AL. v. FEDERAL HOUSING FINANCE AGENCY, ET AL.,
C.A. No. 1:16-02107

Northern District of Iowa

SAXTON, ET AL. v. FEDERAL HOUSING FINANCE AGENCY, ET AL.,
C.A. No. 1:15-00047

Eastern District of Kentucky

ROBINSON v. FEDERAL HOUSING FINANCE AGENCY, ET AL.,
C.A. No. 7:15-00109

MDL No. 2714 - **IN RE: L-3 COMMUNICATIONS EOTECH HOLOGRAPHIC
WEAPON SIGHTS MARKETING AND SALES PRACTICES
LITIGATION**

Motion of plaintiffs Timothy Braginton, et al., to transfer the following actions to the
United States District Court for the Eastern District of Michigan:

Eastern District of Michigan

PITTMAN v. L-3 COMMUNICATIONS EOTECH, INC., ET AL.,
C.A. No. 2:16-11051
BRAGINTON, ET AL. v. L-3 COMMUNICATIONS EOTECH, INC., ET AL.,
C.A. No. 2:16-11053

Western District of Missouri

FOSTER v. L-3 COMMUNICATIONS EOTECH, INC., ET AL., C.A. No. 6:15-03519
ROLFES, ET AL. v. L-3 COMMUNICATIONS EOTECH, INC., ET AL.,
C.A. No. 4:16-00095

MDL No. 2715 – **IN RE: FRESH DAIRY PRODUCTS ANTITRUST LITIGATION
(NO. III)**

Motion of plaintiffs Winn-Dixie Stores, Inc., et al., to transfer the following actions to the United States District Court for the Southern District of Illinois:

Middle District of Florida

WINN-DIXIE STORES, INC., ET AL. v. SOUTHEAST MILK, INC., ET AL.,
C.A. No. 3:15-01143

Southern District of Illinois

FIRST IMPRESSIONS SALON, INC. v. NATIONAL MILK PRODUCERS
FEDERATION, ET AL., C.A. No. 3:13-00454
BELLE FOODS TRUST, ET AL. v. NATIONAL MILK PRODUCERS
FEDERATION, ET AL., C.A. No. 3:14-01014
PIGGLY WIGGLY MIDWEST, LLC, ET AL. v. NATIONAL MILK PRODUCERS
FEDERATION, ET AL., C.A. No. 3:15-00750

MDL No. 2716 – **IN RE: CREDIT PROTECTION ASSOCIATION, L.P., TELEPHONE
CONSUMER PROTECTION ACT (TCPA) LITIGATION**

Motion of defendant Credit Protection Association, L.P., to transfer the following actions to the United States District Court for the Northern District of Texas:

District of Arizona

HERMANSON v. CREDIT PROTECTION ASSOCIATION LP, C.A. No. 2:15-02049

Middle District of Florida

BLOUNT, ET AL. v. CREDIT PROTECTION ASSOCIATION, LP,
C.A. No. 8:15-01309
RUSSO, ET AL. v. CREDIT PROTECTION ASSOCIATION, LP,
C.A. No. 8:15-02636
MONTANEZ, ET AL. v. CREDIT PROTECTION ASSOCIATION, LP,
C.A. No. 8:16-00267

Southern District of Florida

ALANIA v. CREDIT PROTECTION ASSOCIATION, LP, C.A. No. 1:16-21072

Northern District of Texas

ADAMS, ET AL. v. CREDIT PROTECTION ASSOCIATION LP,
C.A. No. 3:15-03239
WATSON, ET AL. v. CREDIT PROTECTION ASSOCIATION LP,
C.A. No. 3:16-00064

Southern District of Texas

MORRIS, ET AL. v. CREDIT PROTECTION ASSOCIATION, LP,
C.A. No. 3:15-00154

MDL No. 2717 - **IN RE: ENHANCED RECOVERY COMPANY, LLC, TELEPHONE
CONSUMER PROTECTION ACT (TCPA) LITIGATION (NO. II)**

Motion of Plaintiff Sherryl Medina to transfer the following actions to the United States District Court for the Central District of California:

Central District of California

ALLEN v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 5:15-00806
WILLIAMS v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 8:15-00265

Eastern District of California

COOK v. ENHANCED RECOVERY COMPANY, C.A. No. 2:16-00248

Southern District of Florida

MEDINA v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 2:15-14342

MDL No. 2718 - **IN RE: QUAKER OATS MAPLE & BROWN SUGAR INSTANT
OATMEAL MARKETING AND SALES PRACTICES LITIGATION**

Motion of Plaintiff Mario Aliano to transfer the following actions to the United States District Court for the Northern District of Illinois:

Central District of California

EISENLORD v. THE QUAKER OATS COMPANY, ET AL., C.A. No. 2:16-01442

Northern District of Illinois

ALIANO v. THE QUAKER OATS COMPANY, C.A. No. 1:16-03087

District of New Jersey

GATES v. THE QUAKER OATS COMPANY, C.A. No. 1:16-01944

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL No. 1446 – **IN RE: ENRON CORP. SECURITIES, DERIVATIVE & "ERISA" LITIGATION**

Motion of plaintiffs Silvercreek Management, Inc., et al., to remand, under 28 U.S.C. § 1407(a), the following action to the United States District Court for the Southern District New York:

Southern District of New York

SILVERCREEK MGT, INC., ET AL. v. CITIGROUP INC., ET AL.,
C.A. No. 1:02-08881

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

Motions of defendants Samsung Electronics America, Inc.; Samsung Electronics Co. Ltd.; Lenovo (United States) Inc.; Motorola Mobility LLC; Huawei Technologies Co., Ltd.; Huawei Technologies USA, Inc.; LG Electronics, Inc.; LG Electronics U.S.A., Inc.; and LG Electronics Mobilecomm U.S.A., Inc., to transfer their respective following actions to the United States District Court for the District of Columbia:

Eastern District of Texas

PAPST LICENSING GMBH & CO., KG v. LG ELECTRONICS, INC., ET AL.,
C.A. No. 6:15-01099
PAPST LICENSING GMBH & CO., KG v. SAMSUNG ELECTRONICS CO. LTD.,
ET AL., C.A. No. 6:15-01102
PAPST LICENSING GMBH & CO., KG v. LENOVO (UNITED STATES), INC.,
ET AL., C.A. No. 6:15-01111
PAPST LICENSING GMBH & CO., KG v. HUAWEI TECHNOLOGIES CO., LTD.,
ET AL., C.A. No. 6:15-01115

MDL No. 2063 – IN RE: OPPENHEIMER ROCHESTER FUNDS GROUP SECURITIES LITIGATION

Motion of defendants OppenheimerFunds, Inc.; OppenheimerFunds Distributor, Inc.; Scott Cottier; Ronald H. Fielding; Daniel G. Loughran; John V. Murphy; Troy E. Willis; Brian W. Wixted; MassMutual Life Insurance Co.; the Oppenheimer California Municipal Fund; David K. Downes; Matthew P. Fink; Robert G. Galli; Phillip A. Griffiths; Mary F. Miller; Joel W. Motley; Kenneth A. Randall; Russell S. Reynolds, Jr.; Joseph M. Wikler; Peter I. Wold; Brian F. Wruble; and Clayton K. Yeutter to remand, under 28 U.S.C. § 1407(a), the following actions to the United States District Court for the Northern District California:

Northern District of California

RIVERA v. OPPENHEIMER CALIFORNIA MUNICIPAL FUND, ET AL.,

C.A. No. 3:09-00567

TACKMANN v. OPPENHEIMERFUNDS, INC., ET AL., C.A. No. 3:09-01184

LOWE v. OPPENHEIMER CALIFORNIA MUNICIPAL FUND, ET AL.,

C.A. No. 3:09-01243

MILHEM v. OPPENHEIMER CALIFORNIA MUNICIPAL FUND, ET AL.,

C.A. No. 3:09-01414

MDL No. 2151 – IN RE: TOYOTA MOTOR CORP. UNINTENDED ACCELERATION MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION

Opposition of plaintiff Joyce Richard to transfer of the following action to the United States District Court for the Central District of California:

Southern District of Indiana

RICHARD v. TOYOTA MOTOR CORPORATION, ET AL., C.A. No. 1:15-01931

MDL No. 2159 – IN RE: AUTOZONE, INC., WAGE AND HOUR EMPLOYMENT PRACTICES LITIGATION

Opposition of plaintiff Jesus Lozacruz to transfer of the following action to the United States District Court for the Northern District of California:

Central District of California

LOZACRUZ v. AUTOZONERS LLC, C.A. No. 8:16-00049

MDL No. 2197 – **IN RE: DEPUY ORTHOPAEDICS, INC., ASR HIP IMPLANT PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Adrian Thomas to transfer of the following action to the United States District Court for the Northern District of Ohio:

Middle District of Pennsylvania

THOMAS v. DEPUY ORTHOPAEDICS, INC., C.A. No. 1:16-00474

MDL No. 2326 – **IN RE: BOSTON SCIENTIFIC CORP. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION**

Motion of defendant Boston Scientific Corporation to transfer the following action to the United States District Court for the Southern District of West Virginia:

Southern District of Texas

SALDIERNA v. BOSTON SCIENTIFIC CORPORATION, C.A. No. 4:16-00329

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

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

Middle District of Louisiana

STATE OF LOUISIANA v. FRESENIUS MEDICAL CARE AIRLINE, ET AL.,
C.A. No. 3:16-00151

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

Opposition of plaintiff Michael C. Worsham to transfer of the *Worsham* action to the United States District Court for the Northern District of West Virginia and motion of defendants Alarm.com Incorporated and Alarm.com Holdings, Inc., to transfer the *Abante Rooter and Plumbing, Inc.*, action to the United States District Court for the Northern District of West Virginia:

Northern District of California

ABANTE ROOTER AND PLUMBING, INC., ET AL. v. ALARM.COM
INCORPORATED, ET AL., C.A. No. 4:15-06314

District of Maryland

WORSHAM v. MONITRONICS INTERNATIONAL, INC., ET AL.,
C.A. No. 1:16-00600

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

Oppositions of plaintiffs Debra Byrd, et al., and defendants Range Resources-Appalachia, LLC; Range Resources-Pine Mountain, Inc.; Pennsylvania Department of Transportation; Keith Shidemantle; Springboro Area Water Authority; Borough of Springboro; National Fuel Company; National Fuel Gas Corporation; National Fuel Gas Distribution Corporation; and National Fuel Gas Supply Corporation to transfer of the following action to the United States District Court for the Southern District of New York:

Western District of Pennsylvania

BYRD, ET AL. v. CHUPP'S COUNTRY CUPBOARD, ET AL., C.A. No. 2:16-00316

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

Oppositions of plaintiffs Lucille Goodlett Morris, et al.; Gary Mosbacher, et al.; and Mirna Aponte to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Eastern District of Kentucky

MORRIS, ET AL. v. BLAKE, ET AL., C.A. No. 5:16-00081

Eastern District of Missouri

MOSBACHER, ET AL. v. JANSSEN RESEARCH & DEVELOPMENT, LLC,
ET AL., C.A. No. 4:16-00232

Southern District of New York

APONTE v. JANSSEN RESEARCH & DEVELOPMENT, LLC, ET AL.,
C.A. No. 1:16-01088

**MDL No. 2617 – IN RE: ANTHEM, INC., CUSTOMER DATA SECURITY BREACH
LITIGATION**

Opposition of plaintiff Simon Kaufman to transfer of the following action to the United States District Court for the Northern District of California:

Western District of Washington

KAUFMAN v. AMERIGROUP WASHINGTON, INC., ET AL., C.A. No. 2:16-00306

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

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

Northern District of Alabama

MARINO v. VOLKSWAGEN GROUP OF AMERICA, INC., C.A. No. 2:16-00280
BENSON v. VOLKSWAGEN GROUP OF AMERICA, INC., C.A. No. 5:16-00169
SUMMERS v. VOLKSWAGEN GROUP OF AMERICA, INC., C.A. No. 7:16-00168

Southern District of Alabama

CHADWICK v. VOLKSWAGON GROUP OF AMERICA, INC., C.A. No. 1:16-00042
WAGNER v. VOLKSWAGEN GROUP OF AMERICA, INC., C.A. No. 1:16-00069
SCHARWATH v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 1:16-00073

Central District of California

JOHN MAHAN, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 2:16-01970
CHRIS PARKS v. PORSCHE CARS NORTH AMERICA, INC., C.A. No. 2:16-02036

District of Connecticut

SPRINGSTED, ET AL. v. VALENTI MOTORS, INC., ET AL., C.A. No. 3:16-00214

Eastern District of Louisiana

MCGOWAN v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 2:16-02377

District of Minnesota

ARGUELLO, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 0:16-00211
GUNDERSON v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 0:16-00213
WERNER, ET AL. v. EICH MOTOR COMPANY, INC., ET AL., C.A. No. 0:16-00396
BUFFINGTON, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 0:16-00666
WILLETT v. VOLKSWAGEN GROUP OF AMERICA, INC., C.A. No. 0:16-00727
STICHA v. VOLKSWAGEN GROUP OF AMERICA, INC., C.A. No. 0:16-00738
DAVIS v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00748
DETERMAN v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00749
EDENS v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00750
HINDERSCHIED v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00751
HISE v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00752
MEYER, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00753
LESSARD v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00754
NYMAN v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00755
SCHAFBUCH v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00756
THUFTIN v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00757
WITTENBERG v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00758
TIANO v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00759
WEEKES v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 0:16-00760

Eastern District of Missouri

FULLER, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 4:16-00106

District of New Jersey

HOFFMAN, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 2:16-01670

District of New Mexico

STATE OF NEW MEXICO, ET AL. v. VOLKSWAGEN GROUP OF AMERICA,
INC., ET AL., C.A. No. 1:16-00147

Middle District of North Carolina

HIGGINS v. VOLKSWAGEN GROUP OF AMERICA, INC., C.A. No. 1:16-00078

District of Oregon

FREEMAN, ET AL. v. VOLKSWAGEN GROUP OF AMERICA,
C.A. No. 1:16-00363

EASLEY, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 2:16-00365

WRIGHT, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 3:16-00366

ALLEN, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 6:16-00360

FLYNN, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 6:16-00361

ALEXANDER, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC.,
C.A. No. 6:16-00367

Eastern District of Pennsylvania

LAWRENCE v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 5:16-00694

BOWERS, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 5:16-00727

Western District of Texas

BANDA, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 1:16-00255

MARTINEZ v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,
C.A. No. 5:16-00056

Western District of Washington

POPE v. VOLKSWAGEN GROUP OF AMERICA, INC., C.A. No. 2:16-00146
CALL v. VOLKSWAGEN GROUP OF AMERICA, INC., C.A. No. 2:16-00158

MDL No. 2677 – **IN RE: DAILY FANTASY SPORTS LITIGATION**

Opposition of plaintiffs Samuel Lahoff and Michael DeGroot to transfer of the *Lahoff* and *DeGroot* actions to the United States District Court for the District of Massachusetts and motions of defendant FanDuel, Inc., to transfer the *Delgado*, *Leung*, and *Fischler* actions to the United States District Court for the District of Massachusetts:

Central District of California

DELGADO, ET AL. v. FANDUEL, INC., ET AL., C.A. No. 2:15-09907
LEUNG v. FANDUEL, INC., C.A. No. 5:15-00835

District of New Mexico

LAHOFF v. FANDUEL, INC., C.A. No. 1:15-01134
DEGROOT v. DRAFTKINGS, INC., C.A. No. 2:15-01122

Southern District of New York

FISCHLER v. FANDUEL, INC., C.A. No. 1:16-00989

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.