

**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: **July 27, 2023**

LOCATION OF HEARING SESSION: Phillip Burton U.S. Courthouse
Ceremonial Courtroom, 19th Floor
450 Golden Gate Avenue
San Francisco, California 94102

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:

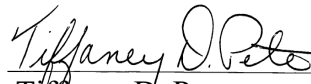
- The Panel carefully considers the positions advocated in filings with the Panel when it allocates time to attorneys presenting oral argument. The Panel, therefore, expects attorneys to adhere to those positions including those concerning an appropriate transferee district. Any change in position should 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.

-2-

- 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.
- Please review and plan to abide by the Northern District of California's requirements regarding public access and masks or face coverings in light of COVID-19, which can be found on the court's website at <https://www.cand.uscourts.gov>.
- A transcript of the oral argument will be filed in each docket when it becomes available. Parties who wish to order a transcript may obtain the court reporter's contact information from the court reporter at the hearing or from the Panel at 202-502-2800 following the hearing.

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 **July 3, 2023**. The procedures governing Panel oral argument (Panel Rule 11.1) are attached. The Panel strictly adheres to these procedures.

FOR THE PANEL:


Tiffany D. Pete
Clerk of the Panel

cc: Clerk, United States District for the Northern District of California

**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 July 27, 2023, the Panel will convene a hearing session in San Francisco, California, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

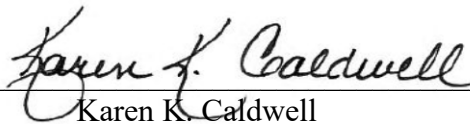
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

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(b), 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



Karen K. Caldwell

Chair

Nathaniel M. Gorton

David C. Norton

Dale A. Kimball

Matthew F. Kennelly

Roger T. Benitez

Madeline Cox Arleo

SCHEDULE OF MATTERS FOR HEARING SESSION
July 27, 2023 -- San Francisco, California

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. 3080 – IN RE: INSULIN PRICING LITIGATION

Motion of plaintiffs State of Arkansas, et al., to transfer the following actions to the United States District Court for the Southern District of Mississippi:

Eastern District of Arkansas

THE STATE OF ARKANSAS v. ELI LILLY AND COMPANY, ET AL.,
C.A. No. 4:22–00549

Northern District of Illinois

THE STATE OF ILLINOIS v. ELI LILLY AND COMPANY, ET AL.,
C.A. No. 1:23–00170

District of Kansas

THE STATE OF KANSAS v. ELI LILLY AND COMPANY, ET AL.,
C.A. No. 5:23–04002

Southern District of Mississippi

THE STATE OF MISSISSIPPI v. ELI LILLY AND COMPANY, ET AL.,
C.A. No. 3:21–00674

District of Montana

THE STATE OF MONTANA v. ELI LILLY AND COMPANY, ET AL.,
C.A. No. 6:22–00087

MDL No. 3081 – **IN RE: BARD IMPLANTED PORT CATHETER PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Jean Cunningham, Mary Nelk, Dana Beltz, Lori Prentice, Shannon Elwell, Vincent Anderson, Patrice Terry, and Debbie Groves to transfer the following actions to the United States District Court for the Western District of Missouri:

District of Arizona

PRENTICE v. BECTON, DICKINSON AND COMPANY, ET AL., C.A. No. 2:23–00627

District of Kansas

ELWELL v. BECTON, DICKINSON AND COMPANY, ET AL., C.A. No. 2:23–02197

Western District of Missouri

CUNNINGHAM v. BECTON, DICKINSON AND COMPANY, ET AL.,
C.A. No. 2:23–04087

TERRY v. BECTON, DICKINSON AND COMPANY, ET AL., C.A. No. 4:23–00100

BELTZ v. BECTON, DICKINSON AND COMPANY, ET AL., C.A. No. 4:23–00264

ANDERSON v. BECTON, DICKINSON AND COMPANY, ET AL.,

C.A. No. 4:23–00316

GROVES v. BARD ACCESS SYSTEMS, INC., ET AL., C.A. No. 5:23–06058

KELLEY v. C.R. BARD, INC., ET AL., C.A. No. 6:23–03044

District of New Jersey

NELK v. BECTON, DICKINSON AND COMPANY, ET AL., C.A. No. 2:23–01173

District of New Mexico

DIVELBLISS v. BARD ACCESS SYSTEMS, INC., ET AL., C.A. No. 1:22–00601

MDL No. 3082 – **IN RE: SOUTHWEST AIRLINES CO. FLIGHT DISRUPTION
LITIGATION**

Motion of plaintiff Mary Smith to transfer the following actions to the United States District Court for the Southern District of California:

Southern District of California

GROVE v. SOUTHWEST AIRLINES CO., C.A. No. 3:23–00306

HILL, ET AL. v. SOUTHWEST AIRLINES CO., ET AL., C.A. No. 3:23–00633

SMITH v. SOUTHWEST AIRLINES CO., C.A. No. 3:23–00754

Eastern District of Louisiana

CAPDEVILLE v. SOUTHWEST AIRLINES CO., C.A. No. 2:22–05590

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

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

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

District of Montana

MCGUIRE v. KB ORTHOPEDICS, INC., ET AL., C.A. No. 9:23–00047

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

Opposition of plaintiff Phillip C. Moore, Jr., to transfer of the following action to the United States District Court for the Northern District of California:

Eastern District of Pennsylvania

MOORE v. 3M COMPANY, ET AL., C.A. No. 2:23–01388

**MDL No. 2873 – IN RE: AQUEOUS FILM–FORMING FOAMS PRODUCTS LIABILITY
LITIGATION**

Opposition of plaintiff People of the State of Illinois to transfer of the *People of the State of Illinois* action to the United States District Court for the District of South Carolina and motion of defendant 3M Company to transfer the *State of Maine* action to the United States District Court for the District of South Carolina:

Northern District of Illinois

PEOPLE OF THE STATE OF ILLINOIS v. 3M COMPANY, ET AL.,
C.A. No. 1:23–02620

District of Maine

STATE OF MAINE v. 3M COMPANY, ET AL., C.A. No. 2:23–00210

MDL No. 2924 – **IN RE: ZANTAC (RANITIDINE) PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Cynthia Pierce and Joseph A. Jeske, et al., to transfer of their respective following actions to the United States District Court for the Southern District of Florida:

Northern District of Indiana

PIERCE v. ZANTAC CORPORATION, ET AL., C.A. No. 2:23–00111

Eastern District of Michigan

JESKE, ET AL. v. GLAXOSMITHKLINE, ET AL., C.A. No. 1:23–10766

MDL No. 3010 – **IN RE: GOOGLE DIGITAL ADVERTISING ANTITRUST LITIGATION**

Motion of defendant Google LLC for stay of the Panel order remanding the following action to the United States District Court for the Eastern District of Texas, pending its appeal by petition for writ of mandamus:

Southern District of New York

THE STATE OF TEXAS, ET AL. v. GOOGLE, LLC, C.A. No. 1:21–6841 (E.D. Texas, C.A. No. 4:20–00957)

MDL No. 3047 – **IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiffs Dean Nasca, et al., to transfer of the following action to the United States District Court for the Northern District of California:

Eastern District of New York

NASCA, ET AL. v. BYTEDANCE, LTD., ET AL., C.A. No. 2:23–02786

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.