

**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: **January 26, 2017**

LOCATION OF HEARING SESSION: Wilkie D. Ferguson, Jr. United States Courthouse  
Ceremonial Courtroom 13-3, 13th Floor  
400 North Miami Avenue  
Miami, Florida 33128

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 **January 9, 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 Southern District of Florida

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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 January 26, 2017, the Panel will convene a hearing session in Miami, Florida, 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



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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  
January 26, 2017 -- Miami, Florida

**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. 2754 – IN RE: ELIQUIS (APIXABAN) PRODUCTS LIABILITY LITIGATION**

Motion of defendants Bristol-Myers Squibb Company and Pfizer Inc., to transfer the following actions to the United States District Court for the Southern District of New York:

Southern District of California

LITTLE, ET AL. v. MCKESSON CORPORATION, ET AL., C.A. No. 3:16-02144

District of Hawaii

SEGOVIA v. BRISTOL-MEYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:15-00519

Northern District of Illinois

BATES v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:16-06774

Southern District of Illinois

ODUM v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 3:16-00630

Eastern District of Kentucky

MALONE v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 0:16-00053  
RAY v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 5:16-00127  
LEWIS v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 6:16-00038

Eastern District of Louisiana

MACALUSO, ET AL. v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 2:16-03673  
HUFFMAN v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 2:16-03714

TIDMORE v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 2:16-08058  
ROMANO v. BRISTOL MYERS SQUIBB COMPANY, ET AL., C.A. No. 2:16-14921

Middle District of Louisiana

WILLIAMS v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 3:16-00273

Western District of Louisiana

JACKSON v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 5:16-00579

Southern District of New York

SNEED, ET AL. v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:16-02899

FISHER v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:16-04535

BROOKS, ET AL. v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:16-04904

MARTIN, ET AL. v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:16-05402

UTTS, ET AL. v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:16-05668

KARR, ET AL. v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:16-05772

HEALEY v. BRISTOL-MEYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:16-06093

CORO v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:16-06097

WOOTEN v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:16-06285

SILVA v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:16-06556

HANIGAN, ET AL. v. BRISTOL-MEYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:16-06561

YOUNG v. BRISTOL-MEYERS SQUIBB COMPANY, ET AL., C.A. No. 1:16-06644

RHODES, ET AL. v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:16-06645

CARROLL v. BRISTOL- MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:16-06904

HOUGH v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:16-07041

BYRD, ET AL. v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:16-07601

Eastern District of Pennsylvania

BARANKSI v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 2:16-02957

Eastern District of Tennessee

DESSERT, ET AL. v. PFIZER, INC., ET AL., C.A. No. 1:16-00303  
FORTNER v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 3:16-00482

Western District of Tennessee

MUMFORD v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 2:16-02361

Northern District of Texas

ORR v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 3:16-00681

MDL No. 2755 - **IN RE: TOYOTA MOTOR CORP. SOY-BASED WIRING PRODUCTS  
LIABILITY LITIGATION**

Motion of plaintiff Leslie Cochran to transfer the following actions to the United States  
District Court for the Central District of California:

Central District of California

HEBER v. TOYOTA MOTOR SALES, U.S.A., INC., C.A. No. 8:16-01525  
COCHRANE v. TOYOTA MOTOR CORPORATION, ET AL., C.A. No. 8:16-01679

Eastern District of Louisiana

WEIDENBACHER v. TOYOTA MOTOR CORPORATION, ET AL.,  
C.A. No. 2:16-15202

District of Maryland

BENNETT, ET AL. v. TOYOTA MOTOR CORPORATION, ET AL.,  
C.A. No. 1:16-03428

MDL No. 2757 – **IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Sharron Thomas, Dinez Davis, Tagi Modicue, Richard Foster, Isaac Ratshidaho, and Anthony Hornfeck to transfer the following actions to the United States District Court for the Middle District of Louisiana:

Eastern District of California

THOMAS v. TAKEDA PHARMACEUTICALS USA, INC., ET AL.,  
C.A. No. 1:16-01566

Southern District of Illinois

MASON v. ASTRAZENECA PHARMACEUTICALS LP, ET AL.,  
C.A. No. 3:16-00493

District of Kansas

KOON v. ASTRAZENECA PHARMACEUTICALS LP, ET AL., C.A. No. 2:16-02605

Western District of Louisiana

MODICUE v. ASTRAZENECA PHARMACEUTICALS L P, ET AL.,  
C.A. No. 6:16-01444

Western District of Missouri

FOSTER v. ASTRAZENECA PHARMACEUTICALS LP, ET AL.,  
C.A. No. 4:16-01106  
RATSHIDAHO v. ASTRAZENECA LP, ET AL., C.A. No. 6:16-03417

District of New Jersey

GOODSTEIN v. ASTRAZENECA PHARMACEUTICALS LP, ET AL.,  
C.A. No. 2:16-05143  
SPRATT v. ASTRAZENECA PHARMACEUTICALS LP, ET AL.,  
C.A. No. 2:16-05523

Eastern District of New York

BUZBEE v. ASTRAZENECA PHARMACEUTICALS LP, ET AL.,

C.A. No. 1:16-02934

MULLEN v. ASTRAZENECA PHARMACEUTICALS LP, ET AL.,

C.A. No. 1:16-04801

Northern District of New York

HORNFECK v. ASTRAZENECA PHARMACEUTICALS LP, ET AL.,

C.A. No. 5:16-01243

Southern District of Ohio

BURNETT v. ASTRAZENECA PHARMACEUTICALS LP, ET AL.,

C.A. No. 2:16-00894

Western District of Tennessee

BOWERS v. ASTRAZENECA PHARMACEUTICALS LP, ET AL.,

C.A. No. 2:16-02549

Southern District of West Virginia

CHURCH, ET AL. v. ASTRAZENECA PHARMACEUTICALS LP, ET AL.,

C.A. No. 1:16-07910

MDL No. 2759 – **IN RE: UNITED COLLECTION BUREAU, INC., TELEPHONE  
CONSUMER PROTECTION ACT (TCPA) LITIGATION**

Motion of defendant United Collection Bureau, Inc., to transfer the following actions to the United States District Court for the Northern District of Ohio:

Western District of North Carolina

ABPLANALP v. UNITED COLLECTION BUREAU, INC., C.A. No. 3:15-00203

Northern District of Ohio

MEREDITH v. UNITED COLLECTION BUREAU, INC., C.A. No. 1:16-01102

COMPTON v. UNITED COLLECTIONS BUREAU, INC., C.A. No. 3:16-01234



Middle District of Pennsylvania

DICKSON v. UNITED COLLECTION BUREAU, INC., C.A. No. 1:16-01387  
EHRHART v. UNITED COLLECTION BUREAU, INC., C.A. No. 3:16-01519

MDL No. 2760 – **IN RE: EMERGENCY HELICOPTER AIR AMBULANCE RATE  
LITIGATION**

Motion of defendants Air Methods Corporation and Rocky Mountain Holdings, LLC, to transfer the following actions to the United States District Court for the District of Colorado:

Northern District of Alabama

STEPHENS v. AIR METHODS CORPORATION, ET AL., C.A. No. 2:16-01659

District of Colorado

SCARLETT v. AIR METHODS CORPORATION, ET AL., C.A. No. 1:16-02723

Western District of Oklahoma

BARTLEY, ET AL. v. AIR EVAC EMS, INC., ET AL., C.A. No. 5:16-00843

District of South Carolina

ADAMS v. AIR METHODS CORPORATION, ET AL., C.A. No. 3:15-01683

MDL No. 2762 – **IN RE: CRAB ADDISON, INC., ET AL., FAIR LABOR  
STANDARDS ACT (FLSA) AND WAGE AND HOUR LITIGATION**

Motion of defendants Ignite Restaurant Group, Inc., and Crab Addison, Inc., to transfer the following actions to the United States District Court for the Central District of California:

Central District of California

DAVENPORT, ET AL. v. IGNITE RESTAURANT GROUP, INC., ET AL.,  
C.A. No. 2:16-07664

Northern District of California

EID v. CRAB ADDISON, INC., ET AL., C.A. No. 3:16-05967

MDL No. 2763 – **IN RE: HP PRINTER CARTRIDGE AUTHENTICATION FIRMWARE LITIGATION**

Motion of plaintiffs Richard San Miguel, et al., to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of Alabama

BAYSE v. HP INC., C.A. No. 2:16-01583

Central District of California

DOTY v. HP INC., ET AL., C.A. No. 5:16-02063

Northern District of California

MIGUEL, ET AL. v. HP INC., C.A. No. 5:16-05820

WARE v. HP INC., C.A. No. 5:16-06519

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

**MDL No. 1358 – IN RE: METHYL TERTIARY BUTYL ETHER ("MTBE") PRODUCTS  
LIABILITY LITIGATION**

Motion of defendants Exxon Mobil Corporation; ExxonMobil Oil Corporation; Mobil Corporation; Alon Refining Krotz Springs; Atlantic Richfield Company; BP Products North America; Coastal Eagle Point Oil Company; Equilon Enterprises LLC; Hess Corporation; Marathon Oil Company; Marathon Petroleum Company LP; Motiva Enterprises LLC; Paulsboro Refining Company, LLC; Shell Oil Company; Shell Oil Products Company LLC; Shell Petroleum, Inc.; Shell Trading (US) Company; Sunoco, Inc. (R&M); Total Petrochemical & Refining USA, Inc.; The Premcor Refining Group, Inc.; Ultramar Energy; Valero Energy Corporation; Valero Marketing and Supply Company; and Valero Refining–Texas, L.P. to transfer the following action to the United States District Court for the Southern District of New York:

District of Rhode Island

STATE OF RHODE ISLAND v. ALON REFINING KROTZ SPRINGS, ET AL.,  
C.A. No. 1:16–00495

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

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

District of New Jersey

MAKARIOUS v. PORTFOLIO RECOVERY ASSOCIATES, LLC, ET AL.,  
C.A. No. 2:16–06475

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

Opposition of plaintiff Sandeep K. Randhawa to transfer of the following action to the United States District Court for the District of Connecticut:

Eastern District of New York

RANDHAWA v. CONVERGENT OUTSOURCING, INC., ET AL.,  
C.A. No. 1:16–05283

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

Opposition of plaintiffs Terri Dunlap, et al., to transfer of the following action to the United States District Court for the Southern District of New York:

Western District of Missouri

DUNLAP, ET.AL v. GENERAL MOTORS LLC, C.A. No. 4:16-01060

MDL No. 2599 – **IN RE: TAKATA AIRBAG PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiff Cecelia Dowdye and defendant General Motors LLC to transfer of their respective following actions to the United States District Court for the Southern District of Florida:

Middle District of Florida

DOWDYE v. TAKATA CORPORATION, ET AL., C.A. No. 6:16-01680

Southern District of Georgia

KESLER v. TAKATA CORPORATION, ET AL., C.A. No. 1:16-00191

MDL No. 2627 – **IN RE: LUMBER LIQUIDATORS CHINESE-MANUFACTURED FLOORING PRODUCTS MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Dana Lemaster to transfer of the following action to the United States District Court for the Eastern District of Virginia:

Northern District of Alabama

LEMASTER v. LUMBER LIQUIDATORS, INC., C.A. No. 2:16-01780

MDL No. 2642 – **IN RE: FLUOROQUINOLONE PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Carrie Zloch, et al., and Carla Wolbach, et al., to transfer of their respective following actions to the United States District Court for the District of Minnesota:

Northern District of Illinois

ZLOCH, ET AL. v. JOHNSON AND JOHNSON, INC., ET AL., C.A. No. 1:16-10116

Eastern District of Pennsylvania

WOLBACH, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC.,  
ET AL., C.A. No. 5:16-03711

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

Opposition of plaintiff Jimmy R. Faircloth, Jr., to transfer of the following action to the United States District Court for the Northern District of California:

Middle District of Louisiana

FAIRCLOTH v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,  
C.A. No. 3:16-00738

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

Opposition of plaintiff Michael Chmielewski to transfer of the following action to the United States District Court for the Northern District of Illinois:

Middle District of Florida

CHMIELEWSKI v. PUBLIX SUPER MARKETS, INC., C.A. No. 8:16-02725

MDL No. 2738 – **IN RE: JOHNSON & JOHNSON TALCUM POWDER PRODUCTS  
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 District of New Jersey:

Southern District of Illinois

HARDERS, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 3:16-00903

Eastern District of Missouri

GALLOW, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:16-01123  
LUCAS, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:16-01339  
STARKS, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:16-01362  
FRAZIER, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:16-01388  
EVELAND, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:16-01436  
CARNEY, ET AL. v. JOHNSON & JOHNSON, INC., ET AL., C.A. No. 4:16-01507  
LOGAN, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:16-01513  
VALLE, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:16-01706  
WILLIAMS, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:16-01709  
BAHMLER, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:16-01759

Eastern District of Pennsylvania

MASON, ET AL. v. JOHNSON AND JOHNSON, ET AL., C.A. No. 2:16-05305

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

Oppositions of plaintiffs Debra Gradney, et al., and Jalyne Bickley, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

District of Delaware

GRADNEY, ET AL. v. SANOFI-AVENTIS U.S. LLC, C.A. No. 1:16-01067

Eastern District of Missouri

BICKLEY, ET AL. v. SANOFI S.A., ET AL., C.A. No. 4:16-01307

MDL No. 2744 – **IN RE: FCA US LLC MONOSTABLE ELECTRONIC GEARSHIFT  
LITIGATION**

Oppositions of defendant FCA US LLC to transfer of the following actions to the United States District Court for the Eastern District of Michigan:

District of Colorado

MANEOTIS v. FCA US LLC, C.A. No. 1:16-02048

Northern District of Georgia

RIVERA, ET AL. v. FCA US LLC, C.A. No. 1:16-03650

District of Massachusetts

MALONE v. FCA US LLC, C.A. No. 1:16-11753

District of New Hampshire

PEOPLES v. FCA US LLC, C.A. No. 1:16-00414

Western District of Virginia

HOLCOMB v. FCA US LLC, C.A. No. 3:16-00067

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.