

- 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.

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 14, 2019**. 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

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 31, 2019, 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(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



Sarah S. Vance
Chair

Lewis A. Kaplan
R. David Proctor
Karen K. Caldwell

Ellen Segal Huvelle
Catherine D. Perry
Nathaniel M. Gorton

SCHEDULE OF MATTERS FOR HEARING SESSION
January 31, 2019 -- 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. 2875 – IN RE: VALSARTAN N-NITROSODIMETHYLAMINE (NDMA)
CONTAMINATION PRODUCTS LIABILITY LITIGATION**

Motion of plaintiff Robert Kruk to transfer the following actions to the United States District Court for the District of New Jersey:

Eastern District of California

JUDSON, ET AL. v. PRINSTON PHARMACEUTICAL, INC., ET AL.,
C.A. No. 1:18-01405

Northern District of Illinois

KRUK v. ZHEJIANG HUAHAI PHARMACEUTICAL CO., LTD., ET AL.,
C.A. No. 1:18-05944

District of Kansas

GENTRY, ET AL. v. SOLCO HEALTHCARE U.S., LLC, ET AL.,
C.A. No. 2:18-02666

Eastern District of Missouri

JONES v. ZHEJIANG HUAHAI PHARMACEUTICAL CO., LTD., ET AL.,
C.A. No. 4:18-01525

District of New Jersey

ERWIN v. PRINSTON PHARMACEUTICALS, INC., ET AL., C.A. No. 3:18-13447
STIMMA, ET AL. v. TORRENT PHARMA, INC., ET AL., C.A. No. 3:18-14318
O'NEILL v. SOLCO HEALTHCARE U.S., LLC, ET AL., C.A. No. 3:18-14840
GONTESKI v. HUAHAI US, INC., ET AL., C.A. No. 3:18-14858
DUFFY, ET AL. v. SOLCO HEALTHCARE U.S., LLC, ET AL., C.A. No. 3:18-15076

Western District of New York

BORKOWSKI v. PRINSTON PHARMACEUTICAL, INC. D/B/A SOLCO
HEALTHCARE LLC, ET AL., C.A. No. 1:18-01150

Eastern District of Tennessee

LEWIS v. ZHEJIANG HUAHAI PHARMACEUTICAL CO., LTD., ET AL.,
C.A. No. 1:18-00247

MDL No. 2876 - **IN RE: ENHANCED RECOVERY COMPANY, LLC, FAIR DEBT
COLLECTION PRACTICES ACT (FDCPA) LITIGATION**

Motion of defendant Enhanced Recovery Company, LLC, to transfer the following
actions to the United States District Court for the Southern District of Indiana:

Eastern District of California

FRALEY v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 2:18-02606

Southern District of Florida

ISRAELSON v. ENHANCED RECOVERY COMPANY, C.A. No. 9:18-80688

Southern District of Indiana

RHODES v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 1:17-04297

Eastern District of New York

HULL v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 2:18-05787

Middle District of North Carolina

THIBODEAUX v. ENHANCED RECOVERY COMPANY, LLC, ET AL.,
C.A. No. 1:18-00470

Middle District of Tennessee

HARPER v. ENHANCED RECOVERY COMPANY, ET AL., C.A. No. 3:18-00525

MDL No. 2877 – **IN RE: AIR CRASH AT DURANGO, MEXICO, ON JULY 31, 2018**

Motion of defendant Aerovias de Mexico S.A. de C.V., Inc., to transfer the following actions to the United States District Court for the Northern District of Illinois:

Northern District of Illinois

GARCIA v. AEROVIAS DE MEXICO, S.A. DE C.V., C.A. No. 1:18-05517
ESTRADA v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-05526
MERCADO v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-05534
JAQUEZ v. AEROVIAS DE MEXICO, S.A. DE C.V., D/B/A AEROMEXICO, ET AL.,
C.A. No. 1:18-05535
ESTRADA v. AEROVIAS DE MEXICO, S.A. DE C.V., D/B/A AEROMEXICO,
ET AL., C.A. No. 1:18-05536
ESTRADA, ET AL. v. AEROVIAS DE MEXICO, S.A. DE C.V., C.A. No. 1:18-05540
MARTINEZ v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-06027
RODRIGUEZ v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL.,
C.A. No. 1:18-06030
CHAVEZ v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-06032
CHAVEZ MORENO v. AEROVIAS DE MEXICO, S.A. DE C.V. (INC.), ET AL.,
C.A. No. 1:18-06038
MOCTEZUMA v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL.,
C.A. No. 1:18-06041
NAGLE v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-06044
NUNEZ, ET AL. v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL.,
C.A. No. 1:18-06045
HERRERA v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-06046
HERRERA v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-06047
MUNIZ v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-06048
FAVELA, ET AL. v. AEROVIAS DE MEXICO, S.A. DE C.V., D/B/A AEROMEXICO,
ET AL., C.A. No. 1:18-06049
DIAZ v. AEROVIAS DE MEXICO, S.A. DE C.V., C.A. No. 1:18-06051
LUNA v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-06053
RIVERA v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-06303
GALLARZO v. AEROVIAS DE MEXICO, S.A. DE C.V., C.A. No. 1:18-06709
RIVERA v. AEROVIAS DE MEXICO, S.A. DE C.V., D/B/A AEROMEXICO, ET AL.,
C.A. No. 1:18-06852
SANCHEZ v. AEROVIAS DE MEXICO, S.A. DE C.V., ET AL., C.A. No. 1:18-06945

District of Oregon

MCCORMICK, ET AL. v. AEROVIAS DE MEXICO S.A. DE C.V., ET AL.,
C.A. No. 3:18-01628

Southern District of Texas

HERRERA, ET AL. v. AEROVIAS DE MEXICO, S.A. DE C.V. (INC.), ET AL.,
C.A. No. 4:18-03812

MDL No. 2878 – **IN RE: RANBAXY GENERIC DRUG APPLICATION ANTITRUST
LITIGATION**

Motion of plaintiff César Castillo, Inc., to transfer the following actions to the United States District Court for the Eastern District of New York:

District of Massachusetts

MEIJER, INC., ET AL. v. RANBAXY INC., ET AL., C.A. No. 1:15-11828
MEIJER, INC., ET AL. v. RANBAXY INC., ET AL., C.A. No. 1:18-12129

Eastern District of New York

CÉSAR CASTILLO, INC. v. RANBAXY INC., ET AL., C.A. No. 1:18-06126

Eastern District of Pennsylvania

UNITED FOOD AND COMMERCIAL WORKERS HEALTH AND WELFARE FUND
OF NORTHEASTERN PENNSYLVANIA v. RANBAXY, INC., ET AL.,
C.A. No. 2:18-04807

MDL No. 2879 – **IN RE: MARRIOTT INTERNATIONAL, INC., CUSTOMER DATA
SECURITY BREACH LITIGATION**

Motions of plaintiffs Dallas Perkins and Peter Tapling, et al., to transfer the following actions to the United States District Court for the District of Maryland:

Central District of California

KIM v. MARRIOTT INTERNATIONAL, INC., ET AL., C.A. No. 2:18-10034

Northern District of Illinois

FOX, ET AL. v. MARRIOTT INTERNATIONAL, INC., ET AL., C.A. No. 1:18-07936

District of Maryland

BELL, ET AL. v. MARRIOTT INTERNATIONAL, INC., C.A. No. 8:18-03684

SPROWL, ET AL. v. MARRIOTT INTERNATIONAL, INC., C.A. No. 8:18-03691

SUNDIUS-ROSE, ET AL. v. MARRIOTT INTERNATIONAL INC.,

C.A. No. 8:18-03696

ELLIOT v. MARRIOTT INTERNATIONAL, INC., C.A. No. 8:18-03700

WALKER v. MARRIOTT INTERNATIONAL, INC., ET AL., C.A. No. 8:18-03702

TAPLING, ET AL. v. MARRIOTT INTERNATIONAL INC., C.A. No. 8:18-03703

WEINSTEIN v. MARRIOTT INTERATIONAL, INC., ET AL., C.A. No. 8:18-03704

District of Massachusetts

PERKINS v. MARRIOTT INTERNATIONAL, INC., ET AL., C.A. No. 1:18-12477

Eastern District of New York

MCGRATH v. MARRIOTT INTERNATIONAL, INC., ET AL., C.A. No. 1:18-06845

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 Betty L. Neely to transfer of the following action to the United States District Court for the Northern District of Ohio:

District of Colorado

NEELY v. DEPUY ORTHOPAEDICS, INC., ET AL., C.A. No. 1:18-02701

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

Opposition of plaintiff Doris Hughes to transfer of the following action to the United States District Court for the District of Minnesota:

Southern District of Illinois

HUGHES v. RAYMON, ET AL., C.A. No. 3:17-00947

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

Motion of defendants Bayer HealthCare Pharmaceuticals Inc.; Bayer Corporation; Merck & Co., Inc.; Johnson & Johnson; Janssen Research & Development, LLC; Janssen Pharmaceuticals, Inc.; and McKesson Corp., to transfer the following action to the United States District Court for the District of Minnesota:

Southern District of Florida

MSP RECOVERY CLAIMS, SERIES LLC, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL., C.A. No. 1:18-24625

MDL No. 2734 – **IN RE: ABILIFY (ARIPRAZOLE) PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiffs James Brooks, et al., to transfer of the following action to the United States District Court for the Northern District of Florida:

District of Nevada

BROOKS, ET AL. v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,
C.A. No. 2:18-01937

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

Oppositions of plaintiffs Calvin Brown and Tashay Benford, et al., to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Northern District of Illinois

BROWN v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:18-07434

Eastern District of Missouri

BENFORD, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:18-01903

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

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

Central District of California

JONES, ET AL. v. SANOFI US SERVICES INC., ET AL., C.A. No. 2:18-08268

Western District of Washington

IN RE TAXOTERE (DOCETAXEL) PRODUCTS LIABILITY LITIGATION,
C.A. No. 2:18-mc-00112

MDL No. 2741 – **IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs George Bouzeanes, et al., and Robert Hooks, et al., to transfer of their respective following actions to the United States District Court for the Northern District of California:

Eastern District of Missouri

BOUZEANES, ET AL. v. MONSANTO COMPANY, C.A. No. 4:18–01806

HOOKS, ET AL. v. MONSANTO COMPANY, C.A. No. 4:18–01897

MDL No. 2775 – **IN RE: SMITH & NEPHEW BIRMINGHAM HIP RESURFACING
(BHR) HIP IMPLANT PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Dallas Susan Brown, et al., and Jesse Eugene Kemp and defendant Baptist Hospitals of Southeast Texas to transfer of their respective following actions to the United States District Court for the District of Maryland:

Southern District of Florida

BROWN, ET AL. v. SMITH & NEPHEW, INC., C.A. No. 1:18–23908

Eastern District of Texas

KEMP v. SMITH & NEPHEW, INC., ET AL., C.A. No. 1:18–00593

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

Motion of defendants Ethicon, Inc., and Johnson & Johnson to transfer of the following action to the United States District Court for the Northern District of Georgia:

Southern District of Florida

MSP RECOVERY CLAIMS, SERIES LLC, ET AL. v. JOHNSON & JOHNSON,
ET AL., C.A. No. 1:18–24580

MDL No. 2800 – **IN RE: EQUIFAX, INC., CUSTOMER DATA SECURITY BREACH LITIGATION**

Opposition of plaintiff Jason A. Smith to transfer of the following action to the United States District Court for the Northern District of Georgia:

Northern District of Alabama

SMITH v. EQUIFAX INC., C.A. No. 2:18-01147

MDL No. 2804 – **IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION**

Oppositions of plaintiffs and defendant Mylan Bertek Pharmaceuticals, Inc., to transfer of their respective following actions to the United States District Court for the Northern District of Ohio:

District of Arizona

TUCSON MEDICAL CENTER v. PURDUE PHARMA LP, ET AL.,
C.A. No. 4:18-00532

Southern District of Illinois

PEOPLE OF THE STATE OF ILLINOIS, ET AL. v. TEVA PHARMACEUTICALS
USA, INC., ET AL., C.A. No. 3:18-02077

District of Massachusetts

THE CITY OF BOSTON, ET AL. v. PURDUE PHARMA L.P., ET AL.,
C.A. No. 1:18-12174
ESPINOSA v. JOINER, ET AL., C.A. No. 1:18-12196

Western District of New York

A.M.H. v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:18-01018

Southern District of Ohio

NOBLE COUNTY, OHIO, BY THE NOBLE COUNTY COMMISSIONERS v.
CARDINAL HEALTH, INC., ET AL., C.A. No. 2:18-01379

Eastern District of Oklahoma

CHOCTAW NATION v. PURDUE PHARMA L.P., ET AL., C.A. No. 6:18-00355
CHICKASAW NATION v. PURDUE PHARMA L.P., ET AL., C.A. No. 6:18-00356

Southern District of West Virginia

RILING, ET AL. v. PURDUE PHARMA L.P., ET AL., C.A. No. 2:18-01390

MDL No. 2848 – **IN RE: ZOSTAVAX (ZOSTER VACCINE LIVE) PRODUCTS
LIABILITY LITIGATION**

Opposition of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

District of New Jersey

COOPER v. MERCK & CO., INC., ET AL., C.A. No. 2:18-15882
BROUGHER v. MERCK & CO., INC., ET AL., C.A. No. 2:18-15924
ANDERSON v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15844
BIRMANTAS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15845
WORTMAN v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15846
LUCAS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15847
BRAGINTON v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15850
BROWNING v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15852
ALVAREZ v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15853
WALDROUP v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15854
BLOCHER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15858
VANHOOSE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15860
SMITHSON V MERCK & CO., INC., ET AL., C.A. No. 3:18-15865
CAIN v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15866
NICHOLS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15867
CARDINE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15868
DOHERTY v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15871
SHOWALTER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15872
CARTWRIGHT v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15873
THOMAS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15874
PETERSON v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15875
CASE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15876
CAMPBELL v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15878
PENDLETON v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15879
COMEAU v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15880
DELACRUZ v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15883
PALERMO v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15884
CLAUSELL v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15885
MICHAEL v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15886
O'SHEA v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15888
BROWN v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15890
DELUSTRO v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15892
MULHAIR v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15894
HENTON v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15897

KINCHEN v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15899
KNAPP v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15900
DEVENEY-HICKS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15901
MARSHALL v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15902
ESTRIDGE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15904
GRANT v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15906
HARPER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15908
DILLON v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15909
MOORE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15910
GRIMES v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15911
DOLENIC v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15912
HOIRUP v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15913
DUPUIS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15914
MILLER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15915
GUSE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15917
FRIEND v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15918
EDWARDS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15919
FRITTS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15920
GONZALEZ v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15921
LAIRD v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15923
BURRELL v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15925
NELSON v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15927
HOEPER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15928
COOK v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15930
WIENICK v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15931
HUMPHREY v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15932
BRUNEAU v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15933
LOUD v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15934
BURCH v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15935
CONNOR v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15936
JOHNSON v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15937
MELLO v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15938
ANDRODE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15939
KOSTENBADER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15940
JONES v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15941
ARMSTEAD v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15942
MILLER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15943
LAMBRIGHT v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15944
BAKER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15945
LANGER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15946
ALLBRANDT v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15948
WILLIAMS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15949
MCDANIEL v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15950
BRENEMAN v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15951
MILLER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15952
NIESPOREK v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15953
FRISBIE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15954

MORSE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15955
BUTLER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15956
OTTE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15957
NELSON v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15958
COLE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15959
PARIBELLO v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15961
OLIVA v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15962
EDMONDS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15963
WYLIE v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15964
GLEASON v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15965
PERKINS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15966
LINN v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15968
CARVER v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15969
PILLOW v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15970
EVERSOLE, SR. v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15971
MCCULLOUGH v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15973
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SHERMAN, ET AL. v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15985

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.