

**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: **December 5, 2019**

LOCATION OF HEARING SESSION: United States Courthouse  
Courtroom 1, Room 1310, First Floor  
501 West 5th Street  
Austin, Texas 78701

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:

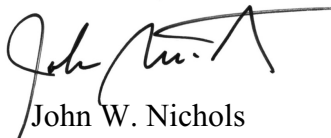
- The Panel carefully considers the positions advocated in filings with the Panel when it allocates time to attorneys presenting oral argument. The Panel, therefore, expects attorneys to adhere to those positions including those concerning an appropriate transferee district. Any change in position should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

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 **November 18, 2019**. The procedures governing Panel oral argument (Panel Rule 11.1) are attached. The Panel strictly adheres to these procedures.

FOR THE PANEL:



John W. Nichols  
Clerk of the Panel

cc: Clerk, United States District Court for the Western District of Texas

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**HEARING SESSION ORDER**

The Panel issues the following orders in connection with its next hearing session,

IT IS ORDERED that on December 5, 2019, the Panel will convene a hearing session in Austin, Texas, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.


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

IT IS FURTHER ORDERED that the Panel will hear oral argument on the matters listed on Section A of the attached Schedule, unless the parties waive oral argument or unless the Panel later decides to dispense with oral argument pursuant to Panel Rule 11.1(c).

IT IS FURTHER ORDERED that the Panel will consider without oral argument the matters listed on Section B of the attached Schedule pursuant to Panel Rule 11.1(c). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 11.1(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

Ellen Segal Huvelle	R. David Proctor
Catherine D. Perry	Nathaniel M. Gorton
Matthew F. Kennelly	David C. Norton

SCHEDULE OF MATTERS FOR HEARING SESSION  
December 5, 2019 -- Austin, Texas

**SECTION A**  
**MATTERS DESIGNATED FOR ORAL ARGUMENT**

(This schedule contains only those civil actions listed in the Schedule(s) of Actions submitted with the docketed motion(s) for transfer. See Panel Rules 6.1 and 6.2. In the event these dockets are centralized, other actions of which the Panel has been informed may be subject to transfer pursuant to Panel Rule 7.1.)

**MDL No. 2919 – IN RE: CP4 FUEL PUMP MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Zachary J. Farlow, et al.; Christopher Moonan, et al.; Frank Ginebra, et al.; Abner Nunez, et al.; Mark D. Chapman, et al.; Mark William Droesser, et al.; Tyler Allen Click, et al.; Eric Stevens, et al.; and Kevin Lee Berry, et al., to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of California

FARLOW, ET AL. v. FORD MOTOR COMPANY, C.A. No. 3:18-06967  
IN RE: GENERAL MOTORS LLC CP4 FUEL PUMP LITIGATION,  
C.A. No. 4:18-07054

Southern District of Florida

GINEBRA, ET AL. v. GENERAL MOTORS LLC, C.A. No. 1:18-25209  
NUNEZ, ET AL. v. FORD MOTOR COMPANY, C.A. No. 1:18-25211

Eastern District of Michigan

CHAPMAN, ET AL. v. GENERAL MOTORS LLC, C.A. No. 2:19-12333  
DROESSER, ET AL. v. FORD MOTOR COMPANY, C.A. No. 5:19-12365

District of New Jersey

DAWSON v. GENERAL MOTORS LLC., C.A. No. 3:19-08680

Southern District of Texas

CLICK, ET AL. v. GENERAL MOTORS LLC, C.A. No. 2:18-00455  
STEVENS, ET AL. v. FORD MOTOR COMPANY, C.A. No. 2:18-00456  
BERRY, ET AL. v. FCA US LLC, ET AL., C.A. No. 2:19-00023

MDL No. 2920 – **IN RE: STOCKX CUSTOMER DATA SECURITY BREACH  
LITIGATION**

Motion of defendants StockX LLC, and StockX, Inc., to transfer the following actions to the United States District Court for the Eastern District of Michigan:

Southern District of Florida

CASEY v. STOCKX, LLC, C.A. No. 1:19-23285

Eastern District of Michigan

I.C. v. STOCKX, LLC, ET AL., C.A. No. 2:19-12441

Eastern District of Pennsylvania

MCBRIDE v. STOCKX, LL., C.A. No. 2:19-03685

MDL No. 2921 – **IN RE: ALLERGAN BIOCELL TEXTURED BREAST IMPLANT  
PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs A.B., et al., and Dana Zettlemoyer to transfer the following actions to the United States District Court for the Middle District of Tennessee:

Central District of California

A.B., ET AL. v. ALLERGAN, INC., ET AL., C.A. No. 8:19-01651

Central District of Illinois

TAUBEN v. ALLERGAN, INC., ET AL., C.A. No. 2:19-02257

District of New Jersey

DOE 1, ET AL. v. ALLERGAN, INC., ET AL., C.A. No. 2:19-16784

Southern District of New York

DOE 1, ET AL. v. ALLERGAN, INC., ET AL., C.A. No. 7:19-09151

Middle District of Tennessee

ZETTLEMOYER v. ALLERGAN, INC., ET AL., C.A. No. 3:19-00866

MDL No. 2922 – **IN RE: DSW TELEPHONE CONSUMER PROTECTION ACT (TCPA)  
LITIGATION**

Motion of defendants Designer Brands Inc., and DSW Shoe Warehouse, Inc., to transfer the following actions to the United States District Court for the Southern District of Ohio:

Central District of California

AUSTIN v. DESIGNER BRANDS INC., C.A. No. 2:19-08187

Northern District of California

WINGATE, ET AL. v. DSW SHOE WAREHOUSE, INC., C.A. No. 3:19-05324

Southern District of California

LAGUARDIA v. DESIGNER BRANDS INC., ET AL., C.A. No. 3:19-01568

Southern District of Florida

DARGOLTZ v. DESIGNER BRANDS INC., C.A. No. 0:19-62274

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

MDL No. 2244 – **IN RE: DEPUY ORTHOPAEDICS, INC., PINNACLE HIP IMPLANT PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Deborah Lyon to transfer of the following action to the United States District Court for the Northern District of Texas:

Northern District of California

LYON v. DEPUY ORTHOPAEDICS, INC., ET AL., C.A. No. 4:19-05270

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

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

Northern District of Georgia

MOORE v. LUMBER LIQUIDATORS, INC., C.A. No. 1:19-03454

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

Opposition of plaintiff Emma M. Williams to transfer of the following action to the United States District Court for the District of Minnesota:

Western District of Missouri

WILLIAMS v. 3M, ET AL., C.A. No. 4:19-00617

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

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

Eastern District of Virginia

BOWERS, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,  
C.A. No. 1:19-01043

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

Opposition of plaintiffs Melissa Parsons, et al., to transfer of the following action to the United States District Court for the District of New Jersey:

Eastern District of Kentucky

PARSONS, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 7:19-00068

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

Oppositions of plaintiffs Michal Pizl; Robert Rawson; and Scott Van Der Zanden, et al., to transfer of their respective following actions to the United States District Court for the Northern District of California:

District of Hawaii

PIZL v. MONSANTO COMPANY, C.A. No. 1:19-00397

Northern District of Illinois

RAWSON v. BAYER CORPORATION, ET AL., C.A. No. 1:19-06040

District of Oregon

VAN DER ZANDEN, ET AL. v. MONSANTO COMPANY, INC.,  
C.A. No. 3:19-01382



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

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

Central District of California

ALAN v. EQUIFAX INC., ET AL., C.A. No. 2:19-06588  
VENTRESS v. EQUIFAX, INC., C.A. No. 8:19-01466

Southern District of Indiana

FLOWERS v. EQUIFAX, INC., C.A. No. 1:19-03678  
HUTCHINSON v. EQUIFAX, INC., C.A. No. 1:19-03681  
HUTCHINSON v. EQUIFAX, INC., C.A. No. 1:19-03682

Southern District of Ohio

WILLIAMS v. EQUIFAX, INC., C.A. No. 1:19-00622

Eastern District of Texas

BASS v. EQUIFAX, INC., C.A. No. 4:19-00452

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

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

Northern District of Illinois

HESTRUP v. H.D. SMITH, LLC, ET AL., C.A. No. 1:19-05905

District of Maryland

HOWARD COUNTY, MARYLAND v. PURDUE PHARMA L.P., ET AL.,  
C.A. No. 1:19-02116

District of Nevada

CLARK COUNTY v. PURDUE PHARMA, L.P., ET AL., C.A. No. 2:19-01616

District of New Jersey

COUNTY OF OCEAN, NEW JERSEY v. PURDUE PHARMA L.P., ET AL.,  
C.A. No. 3:19-17138  
CITY OF TRENTON, NEW JERSEY v. PURDUE PHARMA L.P., ET AL.,  
C.A. No. 3:19-17155

Eastern District of New York

ALLEGANY COUNTY v. PURDUE PHARMA LP, ET AL., C.A. No. 2:19-04891

Northern District of New York

CITY OF AMSTERDAM v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:19-00896

Southern District of New York

CITY OF POUGHKEEPSIE v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:19-06800

Eastern District of Oklahoma

ATOKA COUNTY BOARD OF COMMISSIONERS v. PURDUE PHARMA, LP,  
ET AL., C.A. No. 6:19-00279  
HASKELL COUNTY BOARD OF COUNTY COMMISSIONERS v. PURDUE  
PHARMA, LP, ET AL., C.A. No. 6:19-00280  
LATIMER COUNTY BOARD OF COUNTY COMMISSIONERS v. PURDUE  
PHARMA, LP, ET AL., C.A. No. 6:19-00282  
CITY OF SEMINOLE v. PURDUE PHARMA, LP, ET AL., C.A. No. 6:19-00291  
OKFUSKEE COUNTY BOARD OF COUNTY COMMISSIONERS v. PURDUE  
PHARMA, LP, ET AL., C.A. No. 6:19-00300

Western District of Oklahoma

BOARD OF COUNTY COMMISSIONERS OF GRADY COUNTY v. PURDUE  
PHARMA LP, ET AL., C.A. No. 5:19-00703  
BOARD OF COUNTY COMMISSIONERS OF CADDO COUNTY v. PURDUE  
PHARMA LP, ET AL., C.A. No. 5:19-00710  
CITY OF SHAWNEE v. PURDUE PHARMA LP, ET AL., C.A. No. 5:19-00711  
BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY v. PURDUE  
PHARMA LP, ET AL., C.A. No. 5:19-00721  
CIMARRON COUNTY BOARD OF COUNTY COMMISSIONERS v. PURDUE  
PHARMA LP, ET AL., C.A. No. 5:19-00776  
CITY OF BETHANY v. PURDUE PHARMA LP, ET AL., C.A. No. 5:19-00804  
CITY OF ANADARKO v. PURDUE PHARMA LP, ET AL., C.A. No. 5:19-00815  
CITY OF FORT COBB v. PURDUE PHARMA LP, ET AL., C.A. No. 5:19-00816

Eastern District of Pennsylvania

MOSS v. ENDO PHARMACEUTICALS, INC., ET AL., C.A. No. 2:19-03611

Eastern District of Tennessee

TAKOMA REGIONAL HOSPITAL, ET AL. v. PURDUE PHARMA L.P., ET AL.,  
C.A. No. 2:19-00157

Southern District of Texas

COUNTY OF KLEBERG v. CVS HEALTH CORPORATION, C.A. No. 4:19-02815  
COUNTY OF JIM HOGG v. CVS HEALTH CORPORATION, C.A. No. 4:19-02816  
COUNTY OF WILLIAMSON v. WALGREENS BOOTS ALLIANCE, ET AL.,  
C.A. No. 4:19-03299

Western District of Virginia

PATRICK COUNTY, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,  
C.A. No. 4:19-00032  
SHENANDOAH COUNTY, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,  
C.A. No. 5:19-00056  
THE CITY OF WAYNESBORO, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,  
C.A. No. 5:19-00058  
CUMBERLAND COUNTY, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,  
C.A. No. 6:19-00054  
CITY OF RADFORD, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,  
C.A. No. 7:19-00525

Southern District of West Virginia

TILLEY, ET AL. v. PURDUE PHARMA L.P., ET AL., C.A. No. 2:19-00566

MDL No. 2814 - **IN RE: FORD MOTOR CO. DPS6 POWERSHIFT TRANSMISSION  
PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Daniel Stuart Grago to transfer of the following action to the  
United States District Court for the Central District of California:

Northern District of California

GRAGO v. FORD MOTOR COMPANY, C.A. No. 4:19-04043

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

Motion of defendant 3M Company to transfer the following action to the United States District Court for the District of South Carolina:

District of New Jersey

MIDDLESEX WATER COMPANY v. 3M COMPANY, ET AL., C.A. No. 2:18-15366

MDL No. 2875 – **IN RE: VALSARTAN PRODUCTS LIABILITY LITIGATION**

Motion of Plaintiffs’ Co-Lead Counsel in MDL No. 2875 to expand the scope of MDL No. 2875 and to transfer the following actions to the United States District of Court for the District of New Jersey:

Northern District of Alabama

THOMAS v. HETERO DRUGS LTD., ET AL., C.A. No. 6:19-01290

Eastern District of Arkansas

ESTATE OF LARRY BROCK v. TEVA PHARMACEUTICAL INDUSTRIES LTD.,  
ET AL., C.A. No. 4:19-00538

Eastern District of Tennessee

BRANHAM v. HETERO DRUGS, LIMITED, ET AL., C.A. No. 3:19-00265

Western District of Tennessee

BENNETT, ET AL. v. ZHEJIANG HUAHAI PHARMACEUTICAL CO., LTD.,  
ET AL., C.A. No. 2:19-02418

MDL No. 2885 – **IN RE: 3M COMBAT ARMS EARPLUG PRODUCTS LIABILITY  
LITIGATION**

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

District of Massachusetts

DRAGO v. 3M COMPANY, ET AL., C.A. No. 1:19-11663

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.<sup>1</sup>

(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.