

**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: **March 28, 2019**

LOCATION OF HEARING SESSION: E. Barrett Prettyman United States Courthouse  
Ceremonial Courtroom No. 20, 6th Floor  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001

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 **March 11, 2019**. The procedures governing Panel oral argument (Panel Rule 11.1) are attached. The Panel strictly adheres to these procedures.

FOR THE PANEL:



Jeffery N. Lüthi  
Clerk of the Panel

cc: Clerk, United States District Court for the District of Columbia

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 March 28, 2019, the Panel will convene a hearing session in Washington, D.C., 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



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Sarah S. Vance  
Chair

|                   |                     |
|-------------------|---------------------|
| Lewis A. Kaplan   | Ellen Segal Huvelle |
| R. David Proctor  | Catherine D. Perry  |
| Karen K. Caldwell | Nathaniel M. Gorton |

SCHEDULE OF MATTERS FOR HEARING SESSION  
March 28, 2019 -- Washington, D.C.

**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. 2883 – IN RE: NEEDHAM EXCAVATING, INC., EMPLOYEE RETIREMENT  
INCOME SECURITY ACT (ERISA) LITIGATION**

Motion of plaintiff Needham Excavating, Inc., to transfer the following actions to the United States District Court for the Southern District of Iowa:

Northern District of Illinois

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 150,  
AFL-CIO, ET AL. v. NEEDHAM EXCAVATING, INC., C.A. No. 1:18-08045

Southern District of Iowa

NEEDHAM EXCAVATING, INC. v. TRUSTEES OF THE INTERNATIONAL  
UNION OF OPERATING ENGINEERS LOCAL 150, ET AL.,  
C.A. No. 3:18-00116

**MDL No. 2884 – IN RE: KERYDIN (TAVABOROLE) TOPICAL SOLUTION 5%  
PATENT LITIGATION**

Motion of plaintiff Anacor Pharmaceuticals, Inc., to transfer the following actions to the United States District Court for the District of Delaware:

District of Delaware

ANACOR PHARMACEUTICALS, INC. v. LUPIN LIMITED, ET AL.,  
C.A. No. 1:18-01606  
ANACOR PHARMACEUTICALS, INC. v. ASCENT PHARMACEUTICALS, INC.,  
ET AL., C.A. No. 1:18-01673  
ANACOR PHARMACEUTICALS, INC. v. MYLAN PHARMACEUTICALS INC.,  
ET AL., C.A. No. 1:18-01699

Northern District of West Virginia

ANACOR PHARMACEUTICALS, INC. v. MYLAN PHARMACEUTICALS INC.,  
ET AL., C.A. No. 1:18-00202

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

Motion of plaintiff John Ciaccio to transfer the following actions to the United States  
District Court for the District of Minnesota:

Central District of California

KENNEDY v. 3M COMPANY, ET AL., C.A. No. 5:19-00128

District of Minnesota

CIACCIO v. 3M COMPANY, ET AL., C.A. No. 0:19-00179  
PEEK, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:19-00192  
LARKIN v. 3M COMPANY, ET AL., C.A. No. 0:19-00194

Western District of Oklahoma

STINE v. 3M COMPANY, C.A. No. 5:19-00058  
WERNER v. 3M COMPANY, C.A. No. 5:19-00059

Western District of Texas

ROWE v. 3M COMPANY, C.A. No. 6:19-00019

MDL No. 2886 – **IN RE: ALLURA FIBER CEMENT SIDING PRODUCTS LIABILITY  
LITIGATION**

Motion of plaintiff Shara Guinn to transfer the following actions to the United States  
District Court for the Southern District of Ohio:

Southern District of Iowa

DEVRIES, ET AL. v. ALLURA USA LLC, ET AL., C.A. No. 4:19-00014

District of Kansas

FRIDAY v. ALLURA USA LLC, ET AL., C.A. No. 2:18-02701

District of Massachusetts

LUONGO v. ALLURA USA LLC, ET AL., C.A. No. 1:19-10143

District of Minnesota

JUVLAND v. ALLURA USA LLC, ET AL., C.A. No. 0:18-03492

Western District of North Carolina

JOHNS, ET AL. v. ALLURA USA LLC, ET AL., C.A. No. 3:18-00669

Southern District of Ohio

GUINN v. ALLURA USA LLC, ET AL., C.A. No. 1:18-00858

District of South Carolina

LOWE, ET AL. v. ALLURA USA LLC, ET AL., C.A. No. 2:18-03160

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

**MDL No. 1877 – IN RE: CLASSICSTAR MARE LEASE LITIGATION**

Oppositions of plaintiffs John Goyak, et al., and defendant David Lieberman to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Eastern District of Michigan:

Eastern District of Kentucky

GOYAK, ET AL. v. CLASSICSTAR RACING STABLE, LLC, ET AL.,  
C.A. No. 5:08–00053 (E.D. Michigan, C.A. No. 1:07–15260)

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

Oppositions of plaintiffs Pat Patton and Donald Massey and defendants Russell N.A. Cecil, M.D.; Mohawk Valley Orthopedics, P.C.; St. Marys Healthcare; St. Marys Hospital at Amsterdam; and The Ortho Store, Inc., to transfer of their respective following actions to the United States District Court for the Northern District of Texas:

Central District of California

PATTON v. DEPUY ORTHOPAEDICS, INC., ET AL., C.A. No. 2:19–00081

Northern District of New York

MASSEY v. CECIL, ET AL., C.A. No. 1:19–00049

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

Opposition of plaintiffs Grace Del Rosario Aquino, et al., to transfer of the following action to the United States District Court for the District of Massachusetts:

Central District of California

AQUINO, ET AL. v. FRESENIUS USA, INC., ET AL., C.A. No. 2:18–09987

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

Motion of plaintiffs Megan Hancock, et al., for remand, pursuant to 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Southern District of Ohio:

Southern District of New York

HANCOCK, ET AL. v. GENERAL MOTORS LLC, C.A. No. 1:18-01019 (S.D. Ohio,  
C.A. No. 3:17-00309)

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

Opposition of defendant BMW of North America, LLC, to transfer of the following action to the United States District Court for the Southern District of Florida:

Middle District of Florida

JEANNIS v. BAYERISCHE MOTOREN WERKE AG, ET AL., C.A. No. 6:18-02216

**MDL No. 2657 – IN RE: ZOFRAN (ONDANSETRON) PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiffs Thomas Brown, et al., to transfer of the following action to the United States District Court for the District of Massachusetts:

District of Oregon

BROWN, ET AL. v. GLAXOSMITHKLINE, LLC, ET AL., C.A. No. 3:18-02052

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

Opposition of plaintiff Katherine O’Haver to transfer of the following action to the United States District Court for the District of Minnesota:

Western District of Missouri

O’HAVER v. 3M COMPANY, ET AL., C.A. No. 4:19-00037



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

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

Eastern District of Missouri

MCCONNELL, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:18-02083

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

Opposition of plaintiff Jim Hood to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

Southern District of Mississippi

HOOD v. SANOFI S.A., ET AL., C.A. No. 3:18-00842

MDL No. 2741 – **IN RE: ROUNDUP 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:

Southern District of Mississippi

ADEN v. MONSANTO COMPANY, C.A. No. 1:18-00377

Eastern District of Missouri

BULLINS, ET AL. v. MONSANTO COMPANY, C.A. No. 4:18-01946  
BLUE, ET AL. v. MONSANTO COMPANY, C.A. No. 4:18-01992  
ROBERTS, ET AL. v. MONSANTO COMPANY, C.A. No. 4:18-02116  
BENTON, ET AL. v. MONSANTO COMPANY, C.A. No. 4:18-02119  
DAVIS, ET AL. v. MONSANTO COMPANY, C.A. No. 4:18-02122  
CHAVEZ, ET AL. v. MONSANTO COMPANY, C.A. No. 4:18-02143  
HEALY, ET AL. v. MONSANTO COMPANY, C.A. No. 4:18-02147  
BROMLEY, ET AL. v. MONSANTO COMPANY, C.A. No. 4:19-00044

MDL No. 2742 – **IN RE: SUNEDISON, INC., SECURITIES LITIGATION**

Opposition of plaintiff SESL Recovery, LLC, to transfer of the following action to the United States District Court for the Southern District of New York:

Northern District of California

SESL RECOVERY, LLC v. DEUTSCHE BANK SECURITIES, INC.,  
C.A. No. 3:19-00096

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

Oppositions of plaintiffs Lisa Schehrer and Charles M. Fondren and defendant Greenwood Leflore Hospital to transfer of their respective following actions to the United States District Court for the District of Maryland:

District of Kansas

SCHEHRER v. SMITH & NEPHEW, INC., ET AL., C.A. No. 2:19-02003

Northern District of Mississippi

FONDREN v. SMITH & NEPHEW, INC., ET AL., C.A. No. 4:18-00256

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

Oppositions of plaintiffs and defendants Mylan Bertek Pharmaceuticals Inc.; Mark Cieniawski, M.D.; and Michael B. Bruehl, M.D., to transfer of their respective following actions to the United States District Court for the Northern District of Ohio:

Northern District of Georgia

COUNTY OF FANNIN v. RITE AID OF GEORGIA, INC., ET AL.,  
C.A. No. 2:18-00220

District of Maine

CITY OF WATERVILLE v. PURDUE PHARMA LP, ET AL., C.A. No. 1:19-00014  
CITY OF AUGUSTA v. PURDUE PHARMA LP, ET AL., C.A. No. 1:19-00017  
AROOSTOOK COUNTY v. PURDUE PHARMA LP, ET AL., C.A. No. 1:19-00018  
PENOBSCOT COUNTY v. PURDUE PHARMA LP, ET AL., C.A. No. 1:19-00019  
WASHINGTON COUNTY v. PURDUE PHARMA LP, ET AL., C.A. No. 1:19-00024

SOMERSET COUNTY v. PURDUE PHARMA LP, ET AL., C.A. No. 1:19-00025  
ANDROSCOGGIN COUNTY v. PURDUE PHARMA LP, ET AL.,  
C.A. No. 2:19-00012  
CITY OF AUBURN v. PURDUE PHARMA LP, ET AL., C.A. No. 2:19-00013  
SAGADAHOC COUNTY v. PURDUE PHARMA LP, ET AL., C.A. No. 2:19-00020  
LINCOLN COUNTY v. PURDUE PHARMA LP, ET AL., C.A. No. 2:19-00021  
YORK COUNTY v. PURDUE PHARMA LP, ET AL., C.A. No. 2:19-00022

Western District of Missouri

TUDHOPE, ET AL. v. AMERISOURCEBERGEN DRUG CORPORATION, ET AL.,  
C.A. No. 4:18-00932

Southern District of Ohio

MEIGS COUNTY, OHIO v. CARDINAL HEALTH, INC., ET AL.,  
C.A. No. 2:18-01582  
WASHINGTON COUNTY, OHIO BY ITS COMMISSIONERS, ET AL. v. CARDINAL  
HEALTH, INC., ET AL., C.A. No. 2:18-01706

Eastern District of Oklahoma

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS v. PURDUE  
PHARMA, LP, ET AL., C.A. No. 6:18-00372

Western District of Oklahoma

CHEYENNE AND ARAPAHO TRIBES v. PURDUE PHARMA LP, ET AL.,  
C.A. No. 5:19-00039  
CHEYENNE AND ARAPAHO TRIBES v. WATSON LABORATORIES, INC.,  
ET AL., C.A. No. 5:19-00042

Eastern District of Pennsylvania

COUNTY OF CARBON v. PURDUE PHARMA L.P., ET AL., C.A. No. 2:18-05625  
DELAWARE COUNTY, PENNSYLVANIA v. PURDUE PHARMA L.P., ET AL.,  
C.A. No. 2:18-05627

Southern District of Texas

COUNTY OF BLANCO v. PURDUE PHARMA L.P., ET AL., C.A. No. 4:18-04705  
COUNTY OF JASPER v. PURDUE PHARMA L.P., ET AL., C.A. No. 4:18-04706  
COUNTY OF ANGELINA v. PURDUE PHARMA L.P., ET AL., C.A. No. 4:18-04707

COUNTY OF GALVESTON v. PURDUE PHARMA L.P., ET AL.,

C.A. No. 4:18-04708

COUNTY OF LEON v. PURDUE PHARMA L.P., ET AL., C.A. No. 4:18-04709

COUNTY OF HARDIN v. ENDO HEALTH SOLUTIONS, INC., ET AL.,

C.A. No. 4:19-00114

COUNTY OF NEWTON v. ENDO HEALTH SOLUTIONS, INC., ET AL.,

C.A. No. 4:19-00117

Eastern District of Virginia

CITY OF ALEXANDRIA v. PURDUE PHARMA, L.P., ET AL., C.A. No. 1:18-01536

Western District of Virginia

WASHINGTON COUNTY, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,

C.A. No. 1:18-00046

BUCHANAN COUNTY, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,

C.A. No. 1:18-00047

DICKENSON COUNTY v. PURDUE PHARMA, L.P., ET AL., C.A. No. 2:18-00048

LEE COUNTY, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,

C.A. No. 2:18-00049

CITY OF NORTON, VIRGINIA v. PURDUE PHARMA L.P., ET AL.,

C.A. No. 2:18-00050

PITTSYLVANIA COUNTY v. PURDUE PHARMA, L.P., ET AL.,

C.A. No. 4:18-00070

HENRY COUNTY, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,

C.A. No. 4:18-00071

CITY OF MARTINSVILLE, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,

C.A. No. 4:18-00072

PAGE COUNTY v. PURDUE PHARMA, L.P., ET AL., C.A. No. 5:18-00147

CITY OF GALAX, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,

C.A. No. 7:18-00617

GILES COUNTY v. PURDUE PHARMA, L.P., ET AL., C.A. No. 7:18-00618

MONTGOMERY COUNTY v. PURDUE PHARMA, L.P., ET AL.,

C.A. No. 7:18-00619

Western District of Wisconsin

BAD RIVER BAND OF LAKE SUPERIOR CHIPPEWA v. PURDUE PHARMA

L.P., ET AL., C.A. No. 3:18-01017

MDL No. 2817 – **IN RE: DEALER MANAGEMENT SYSTEMS ANTITRUST  
LITIGATION**

Opposition of plaintiffs Paramount Company 2, LLC, et al., to transfer of the following  
action to the United States District Court for the Northern District of Illinois:

Western District of Louisiana

PARAMOUNT CO. 2, LLC, ET AL. v. REYNOLDS & REYNOLDS CO.,  
C.A. No. 2:18-01132

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

Oppositions of plaintiffs State of New York and State of Ohio to transfer of their  
respective following actions to the United States District Court for the District of South Carolina:

Northern District of New York

STATE OF NEW YORK v. 3M COMPANY, ET AL., C.A. No. 1:18-01317

Northern District of Ohio

STATE OF OHIO, EX REL. v. 3M COMPANY, ET AL., C.A. No. 3:19-00120

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.