

**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: **May 30, 2019**

LOCATION OF HEARING SESSION: Hale Boggs Federal Building
United States Courthouse
Ceremonial Courtroom C-501, 5th Floor
500 Poydras Street
New Orleans, Louisiana 70130

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:

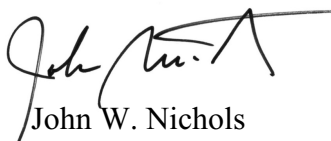
- The Panel carefully considers the positions advocated in filings with the Panel when it allocates time to attorneys presenting oral argument. The Panel, therefore, expects attorneys to adhere to those positions including those concerning an appropriate transferee district. Any change in position should 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 **May 13, 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 Eastern District of Louisiana

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 May 30, 2019, the Panel will convene a hearing session in New Orleans, Louisiana, 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	Ellen Segal Huvelle
R. David Proctor	Catherine D. Perry
Karen K. Caldwell	Nathaniel M. Gorton

SCHEDULE OF MATTERS FOR HEARING SESSION
May 30, 2019 -- New Orleans, Louisiana

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. 2887 – IN RE: HILL'S PET NUTRITION, INC., DOG FOOD PRODUCTS
LIABILITY LITIGATION**

Motion of plaintiffs John Navarrete and Ann Bauer, et al., to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of California

NAVARRETE v. HILL'S PET NUTRITION, INC., C.A. No. 3:19-00767
SUN-DAMPIER v. HILL'S PET NUTRITION, INC., C.A. No. 3:19-00819
BAUER, ET AL. v. HILL'S PET NUTRITION, INC., C.A. No. 3:19-00908

Northern District of Florida

RUSSELL, ET AL. v. HILL'S PET NUTRITION, INC., C.A. No. 3:19-00395

Eastern District of New York

BONE, ET AL. v. HILL'S PET NUTRITION, INC., ET AL., C.A. No. 1:19-00831

District of Rhode Island

JUBINVILLE, ET AL. v. HILL'S PET NUTRITION, INC., ET AL.,
C.A. No. 1:19-00074

MDL No. 2888 – **IN RE: AMERICAN BOARD OF MEDICAL SPECIALTIES
MAINTENANCE OF CERTIFICATION ANTITRUST LITIGATION**

Motion of plaintiffs Steve Mannis, et al., to transfer the following actions to the United States District Court for the Southern District of California:

Southern District of California

MANNIS, ET AL. v. AMERICAN BOARD OF MEDICAL SPECIALTIES,
ET AL., C.A. No. 3:19-00341

Northern District of Illinois

SIVA v. AMERICAN BOARD OF RADIOLOGY, C.A. No. 1:19-01407

Eastern District of Pennsylvania

KENNEY, ET AL. v. AMERICAN BOARD OF INTERNAL MEDICINE,
C.A. No. 2:18-05260

MDL No. 2889 – **IN RE: EQUINOR OIL AND GAS ROYALTY PAYMENT
LITIGATION**

Motion of defendants Equinor Texas Onshore Properties LLC, Equinor Pipelines LLC, and Equinor US Operations LLC, to transfer the following actions to the United States District Court for the Southern District of Texas:

Southern District of Texas

GILLESPIE v. EQUINOR TEXAS ONSHORE PROPERTIES LLC, ET. AL.,
C.A. No. 5:18-00092

GILLESPIE v. EQUINOR PIPELINES LLC, ET AL., C.A. No. 5:18-00094

O'BRIEN v. EQUINOR PIPELINES LLC, ET AL., C.A. No. 5:18-00125

JOHNSTON v. EQUINOR PIPELINES LLC, ET AL., C.A. No. 5:18-00126

Western District of Texas

NEWBERRY, ET AL. v. EQUINOR TEXAS ONSHORE PROPERTIES, LLC, ET AL.,
C.A. No. 5:18-00866

**MDL No. 2890 – IN RE: UNITED STATES SOCCER FEDERATION PAY
DISCRIMINATION LITIGATION**

Motion of plaintiffs Alex Morgan, et al., to transfer the following actions to the United States District Court for the Central District of California:

Central District of California

MORGAN, ET AL. v. UNITED STATES SOCCER FEDERATION, INC.,
C.A. No. 2:19-01717

Northern District of California

SOLO v. UNITED STATES SOCCER FEDERATION, C.A. No. 3:18-05215

MDL No. 2892 – IN RE: GEMCAP LENDING I, LLC, LITIGATION

Motion of plaintiff GemCap Lending I, LLC, to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of California

GEMCAP LENDING I, LLC v. UNITY BANK MINNESOTA, ET AL.,
C.A. No. 4:18-05979

District of Hawaii

GEMCAP LENDING I, LLC v. VAN BUREN, C.A. No. 1:19-00142

MDL No. 2893 – IN RE: VIEGA PRESS FITTINGS ANTITRUST LITIGATION

Motion of plaintiff Enginuity, LLC, to transfer the following actions to the United States District Court for the Middle District of Pennsylvania:

Southern District of New York

THE PLUMBER'S SHOP AND ASSOCIATES, LLC v. VIEGA LLC,
C.A. No. 1:19-01983

Middle District of Pennsylvania

NIBCO, INC. v. VIEGA LLC, C.A. No. 1:17-01739
ENGINUITY, LLC v. VIEGA, LLC., C.A. No. 1:19-00159

Eastern District of Wisconsin

AL'S DISCOUNT PLUMBING LLC v. VIEGA LLC, C.A. No. 2:19-00384

MDL No. 2894 – **IN RE: LKQ CORPORATION AFTERMARKET AUTOMOBILE
GRILLE TRADEMARK LITIGATION**

Motion of LKQ Corporation and Keystone Automotive Industries, Inc., to transfer the following actions to the United States District Court for the Southern District of Georgia:

Central District of California

UNITED STATES OF AMERICA v. 25 AUTOMOTIVE GRILLES,
C.A. No. 2:18-09324

District of Delaware

LKQ CORPORATION, ET AL. v. FCA US LLC, C.A. No. 1:19-00054

District of District of Columbia

LKQ CORPORATION, ET AL. v. UNITED STATES OF AMERICA, ET AL.,
C.A. No. 1:18-01562

Southern District of Georgia

UNITED STATES OF AMERICA v. 324 AUTOMOTIVE GRILLES,
C.A. No. 4:18-00195

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

**MDL No. 1566 – IN RE: WESTERN STATES WHOLESALE NATURAL GAS
ANTITRUST LITIGATION**

Opposition of defendants e prime, Inc.; Northern States Power Company; Xcel Energy Inc.; The Williams Companies, Inc.; Williams Merchant Services Company, LLC; Williams Gas Marketing, Inc.; Dynegy Illinois Inc.; DMT G.P. L.L.C.; Dynegy GP Inc.; Dynegy Marketing and Trade; Cantera Natural Gas, Inc.; Cantera Resources, Inc.; CMS Energy Resources Management Company; CMS Field Services Inc.; CMS Energy Corporation; and Cantera Gas Company to remand, under 28 U.S.C. § 1407(a), of the following actions to the United States District Court for the Western District of Wisconsin:

District of Nevada

ARANDELL CORP., ET AL. v. XCEL ENERGY, INC. ET AL., C.A. No. 2:07-01019
(W.D. Wisconsin, C.A. No. 3:07-00076)
NEWPAGE WISCONSIN SYSTEM INC. v. CMS ENERGY RESOURCE
MANAGEMENT COMPANY, ET AL., C.A. No. 2:09-00915 (W.D. Wisconsin,
C.A. No. C.A. No. 3:09-00240)

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

Opposition of plaintiff Susan O. Cardoza to transfer of the following action to the United States District Court for the Northern District of Texas:

Western District of Virginia

CARDOZA v. MEDICAL DEVICE BUSINESS SERVICES, INC., ET AL.,
C.A. No. 4:19-00003

**MDL No. 2493 – IN RE: MONITRONICS INTERNATIONAL, INC., TELEPHONE
CONSUMER PROTECTION ACT (TCPA) LITIGATION**

Motion of plaintiff Todd C. Bank for remand, pursuant to 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Eastern District of New York:

Northern District of West Virginia

BANK v. ALLIANCE SECURITY, INC., ET AL., C.A. No. 1:14-00215
(E.D. New York, C.A. No. 1:14-04410)

MDL No. 2626 – **IN RE: DISPOSABLE CONTACT LENS ANTITRUST LITIGATION**

Opposition of plaintiff Alcon Laboratories, Inc., to transfer of the following action to the United States District Court for the Middle District of Florida:

Eastern District of New York

ALCON LABORATORIES, INC. v. LENS.COM, INC., C.A. No. 1:18-00407

MDL No. 2669 – **IN RE: ASHLEY MADISON CUSTOMER DATA SECURITY BREACH LITIGATION**

Opposition of defendants Avid Dating Life Inc. and Avid Life Media Inc. to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Southern District of Mississippi:

Eastern District of Missouri

DOE v. AVID LIFE MEDIA, INC., ET AL., C.A. No. 4:15-01920 (S.D. Mississippi, C.A. No. 3:15-00658)

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

Opposition of plaintiff James B. Feinman to transfer of the following action to the United States District Court for the Northern District of California:

Western District of Virginia

FEINMAN v. VOLKSWAGEN GROUP OF AMERICA, INC., C.A. No. 7:19-00055

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

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

Eastern District of Missouri

KANNADY, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:19-00292

MDL No. 2750 – **IN RE: INVOKANA (CANAGLIFLOZIN) PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Gregory B. Goodwin and Venera Lo Re and defendants Richard Patrick Sullivan, M.D.; Sylvia Park, M.D.; and Alexander Medical Group, PC to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Western District of Kentucky

GOODWIN v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:19-00079

Western District of New York

LO RE v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 6:19-06170

MDL No. 2768 – **IN RE: STRYKER LFIT V40 FEMORAL HEAD PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Lakeland Regional Health Systems, Inc., to transfer of the following action to the United States District Court for the District of Massachusetts:

Middle District of Florida

LAKELAND REGIONAL HEALTH SYSTEMS, INC. v. HOWMEDICA OSTEONICS CORP., ET AL., C.A. No. 8:19-00247

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

Opposition of plaintiff Richard J. Luciano to transfer of the following action to the United States District Court for the Northern District of Georgia:

Eastern District of New York

LUCIANO v. EQUIFAX INFORMATIONAL SERVICES, LLC, C.A. No. 1:19-00437

MDL No. 2801 – **IN RE: CAPACITORS ANTITRUST LITIGATION (NO. III)**

Opposition of defendant Panasonic Corporation of North America to transfer of the following action to the United States District Court for the Northern District of California:

District of Arizona

AVNET INCORPORATED v. PANASONIC CORPORATION, ET AL.,
C.A. No. 2:19-00766

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

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

Northern District of Illinois

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 150, ET AL.
v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:19-00811

District of Massachusetts

BLUE CROSS AND BLUE SHIELD OF LOUISIANA, ET AL. v. INSYS
THERAPEUTICS, INC., ET AL., C.A. No. 1:18-12538

Eastern District of Missouri

JEFFERSON COUNTY, ET AL. v. WILLIAMS, ET AL., C.A. No. 4:19-00157

District of New Jersey

CAPE MAY COUNTY v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:19-05416
UNION COUNTY v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:19-05419

Eastern District of Oklahoma

CITY OF ADA v. PURDUE PHARMA, LP, ET AL., C.A. No. 6:19-00034

Northern District of Oklahoma

CITY OF BROKEN ARROW v. PURDUE PHARMA L.P., ET AL.,
C.A. No. 4:19-00047

Western District of Oklahoma

CITY OF OKLAHOMA CITY v. PURDUE PHARMA LP, ET AL.,
C.A. No. 5:19-00076
CITY OF LAWTON v. PURDUE PHARMA LP, ET AL., C.A. No. 5:19-00078
CITY OF EDMOND v. PURDUE PHARMA LP, ET AL., C.A. No. 5:19-00149
CITY OF GUTHRIE v. PURDUE PHARMA LP, ET AL., C.A. No. 5:19-00158
CITY OF PONCA CITY v. PURDUE PHARMA LP, ET AL., C.A. No. 5:19-00160

Western District of Washington

SNOHOMISH COUNTY v. PURDUE PHARMA LP, ET AL., C.A. No. 2:19-00368

MDL No. 2807 – **IN RE: SONIC CORP. CUSTOMER DATA SECURITY BREACH
LITIGATION**

Oppositions of MDL No. 2807 plaintiffs Septabeya Bean, et al., to transfer of the following actions to the United States District Court for the Northern District of Ohio:

Eastern District of Arkansas

ALCOA COMMUNITY FEDERAL CREDIT UNION v. SONIC CORPORATION,
ET AL., C.A. No. 4:18-00770

Western District of Oklahoma

AMERICAN AIRLINES FEDERAL CREDIT UNION v. SONIC CORP., ET AL.,
C.A. No. 5:19-00208

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

Oppositions of plaintiffs Art Schaap, et al.; Todd Teune, et al.; and Town of East Hampton to transfer of their respective actions to the United States District Court for the District of South Carolina:

District of New Mexico

SCHAAP, ET AL. v. 3M COMPANY, ET AL., C.A. No. 2:19-00105
TEUNE, ET AL. v. 3M COMPANY, ET AL., C.A. No. 2:19-00162

Eastern District of New York

TOWN OF EAST HAMPTON v. 3M COMPANY, ET AL., C.A. No. 2:19-00642

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

Opposition of plaintiff Yisroel Mann to transfer of the following action to the United States District Court for the District of Maryland:

Northern District of Ohio

MANN v. STARWOOD HOTELS & RESORTS WORLDWIDE, LLC,
C.A. No. 1:19-00348

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.