

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: **July 30, 2020**

LOCATION OF HEARING SESSION: United States Judicial Panel on Multidistrict Litigation
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, NE
Washington, DC 20544-0005

TIME OF HEARING SESSION: **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 **by videoconference or teleconference** 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 participate in the Hearing Session videoconference or teleconference.
- 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 participate in the Hearing Session.

ORAL ARGUMENT:

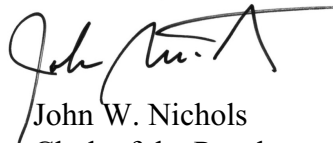
- **THE PANEL WILL HEAR ORAL ARGUMENT BY VIDEOCONFERENCE OR TELECONFERENCE.** Further details regarding how the Hearing Session will be conducted—including sign-in information, allocation of argument times, and a mandatory training session for arguing attorneys—shall be provided after the filing of the parties' Notices of Presentation or Waiver of 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.

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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 **July 6, 2020**. 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

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 July 30, 2020, the Panel will convene a hearing session in Washington, DC, 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, in light of the ongoing COVID-19 pandemic, the Panel will hear oral argument on the matters listed on Section A of the attached Schedule **by videoconference or teleconference**, 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
July 30, 2020 -- Washington, DC (Videoconference or Teleconference)

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. 2942 – **IN RE: COVID-19 BUSINESS INTERRUPTION PROTECTION
INSURANCE LITIGATION**

Motion of plaintiffs LH Dining L.L.C., and Newchops Restaurant Comcast LLC to transfer the following actions to the United States District Court for the Eastern District of Pennsylvania:

Central District of California

CARIBE RESTAURANT AND NIGHTCLUB, INC. v. TOPA INSURANCE
COMPANY, C.A. No. 2:20-03570

Middle District of Florida

PRIME TIME SPORTS GRILL, INC. v. DTW 1991 UNDERWRITING LIMITED,
C.A. No. 8:20-00771

Southern District of Florida

EL NOVILLO RESTAURANT, ET AL. v. CERTAIN UNDERWRITERS AT
LLOYD'S LONDON, ET AL., C.A. No. 1:20-21525

Northern District of Illinois

BIG ONION TAVERN GROUP, LLC, ET AL. v. SOCIETY INSURANCE, INC.,
C.A. No. 1:20-02005
BILLY GOAT TAVERN I, INC., ET AL. v. SOCIETY INSURANCE,
C.A. 1:20-02068

Southern District of New York

GIO PIZZERIA & BAR HOSPITALITY, LLC, ET AL. v. CERTAIN
UNDERWRITERS AT LLOYD'S, LONDON SUBSCRIBING TO POLICY
NUMBERS ARP-74910-20 AND ARP-75209-20, C.A. No. 1:20-03107

Northern District of Ohio

BRIDAL EXPRESSIONS LLC v. OWNERS INSURANCE COMPANY,
C.A. No. 1:20-00833

District of Oregon

DAKOTA VENTURES, LLC, ET AL. v. OREGON MUTUAL INSURANCE CO.,
C.A. No. 3:20-00630

Eastern District of Pennsylvania

LH DINING LLC v. ADMIRAL INDEMNITY COMPANY, C.A. No. 2:20-01869
NEWCHOPS RESTAURANT COMCAST LLC v. ADMIRAL INDEMNITY
COMPANY, C.A. No. 2:20-01949

Northern District of Texas

BERKSETH-ROJAS DDS v. ASPEN AMERICAN INSURANCE COMPANY,
C.A. No. 3:20-00948

Eastern District of Wisconsin

RISING DOUGH, INC., ET AL. v. SOCIETY INSURANCE, C.A. No. 2:20-00623

Motion of plaintiffs Christie Jo Berkseth-Rojas DDS; Bridal Expressions LLC; Caribe Restaurant & Nightclub, Inc.; Dakota Ventures, LLC; GIO Pizzeria & Bar Hospitality, LLC, et al.; Rising Dough Inc., et al.; and Troy Stacy Enterprises Inc. to transfer the preceding actions and the following actions to the United States District Court for the Northern District of Illinois:

Northern District of Alabama

WAGNER SHOES LLC v. AUTO-OWNERS INSURANCE COMPANY,
C.A. No. 7:20-00465

Middle District of Florida

PRIME TIME SPORTS GRILL, INC. v. DTW 1991 UNDERWRITING LIMITED,
C.A. No. 8:20-00771

Northern District of Illinois

SANDY POINT DENTAL PC v. THE CINCINNATI INSURANCE COMPANY,
ET AL., C.A. No. 1:20-02160

Southern District of Ohio

TROY STACY ENTERPRISES INC. v. THE CINCINNATI INSURANCE
COMPANY, C.A. No. 1:20-00312

MDL No. 2944 – **IN RE: JPMORGAN CHASE PAYCHECK PROTECTION
PROGRAM LITIGATION**

Motion of plaintiff Hyde-Edwards Salon & Spa to transfer the following actions to the United States District Court for the Southern District of California and motion of plaintiff Cyber Defense Group, LLC, to transfer the following actions to the United States District Court for the Central District of California:

Central District of California

CYBER DEFENSE GROUP, LLC, ET AL. v. JPMORGAN CHASE AND CO.,
ET AL., C.A. No. 2:20-03589
OUTLET TILE CENTER v. JPMORGAN CHASE AND CO., ET AL.,
C.A. No. 2:20-03603
LEGENDARY TRANSPORT, LLC v. JPMORGAN CHASE & CO., ET AL.,
C.A. No. 2:20-03636

Southern District of California

HYDE-EDWARDS SALON & SPA v. JPMORGAN CHASE & CO., ET AL.,
C.A. No. 3:20-00762

District of Colorado

LADAGA VENTURES LLC v. JPMORGAN CHASE BANK, N.A.,
C.A. No. 1:20-01204

Northern District of Illinois

SHA-POPPIN GOURMET POPCORN LLC v. JPMORGAN CHASE BANK, N.A.,
ET AL., C.A. No. 1:20-02523
SHINY STRANDS, INC. v. JPMORGAN CHASE & CO., C.A. No. 1:20-02547

Southern District of New York

RYAN M. KULL LICENSED CLINICAL SOCIAL WORK LLC v. JP MORGAN
CHASE & CO., ET AL., C.A. No. 1:20-03138

Northern District of Texas

STARWALK OF DALLAS, LLC, ET AL. v. JPMORGAN CHASE & CO.,
C.A. No. 3:20-01005

MDL No. 2945 - **IN RE: AHERN RENTALS, INC., TRADE SECRET LITIGATION**

Motion of defendant EquipmentShare.com Inc., to transfer the following actions to the
United States District Court for the District of Nevada:

District of Arizona

AHERN RENTALS, INC. v. EQUIPMENTSHARE.COM INC., ET AL.,
C.A. No. 2:20-00705

Eastern District of California

AHERN RENTALS, INC. v. EQUIPMENTSHARE.COM, INC., ET AL.,
C.A. No. 2:19-01788

District of Colorado

AHERN RENTALS, INC. v. EQUIPMENTSHARE.COM, INC., ET AL.,
C.A. No. 1:20-00941

District of Nevada

AHERN RENTALS, INC. v. EQUIPMENTSHARE.COM, INC., C.A. No. 2:19-02138
AHERN RENTALS, INC. v. WADE, ET AL., C.A. No. 2:20-00094

District of South Carolina

AHERN RENTALS, INC. v. MEADOWS, ET AL., C.A. No. 2:19-02823
AHERN RENTALS, INC. v. DONATO, ET AL., C.A. No. 2:20-01428

Southern District of Texas

AHERN RENTALS, INC. v. EQUIPMENTSHARE.COM INC., ET AL.,
C.A. No. 2:20-00046

District of Utah

AHERN RENTALS, INC. v. MCCORMAC, ET AL., C.A. No. 2:19-01003

Western District of Washington

AHERN RENTALS, INC. v. MENDENHALL, ET AL., C.A. No. 2:20-00542

MDL No. 2946 – **IN RE: INCLUSIVE ACCESS COURSE MATERIALS ANTITRUST
LITIGATION**

Motion of defendants McGraw Hill LLC; Pearson Education, Inc.; Cengage Learning, Inc.; Barnes & Noble College Booksellers, LLC; Barnes & Noble Education, Inc.; and Follett Higher Education Group, Inc., to transfer the following actions to the United States District Court for the District of Delaware:

District of Delaware

CAMPUS BOOK COMPANY, INC., ET AL. v. MCGRAW-HILL GLOBAL
EDUCATION HOLDINGS, LLC, ET AL., C.A. No. 1:20-00102

Northern District of Illinois

KINSKEY, ET AL. v. CENGAGE LEARNING, INC., ET AL., C.A. No. 1:20-02322

District of New Jersey

BARABAS v. BARNES & NOBLE COLLEGE BOOKSELLERS, LLC, ET AL.,
C.A. No. 3:20-02442

PICA v. BARNES & NOBLE COLLEGE BOOKSELLERS, LLC, ET AL.,
C.A. No. 3:20-04856

WARMAN v. BARNES & NOBLE COLLEGE BOOKSELLERS, LLC, ET AL.,
C.A. No. 3:20-04875

PULEO v. BARNES & NOBLE COLLEGE BOOKSELLERS, LLC, ET AL.,
C.A. No. 3:20-04990

BELEN v. MCGRAW HILL, LLC, ET AL., C.A. No. 3:20-05394

GORDON, ET AL. v. BARNES & NOBLE COLLEGE BOOKSELLERS, LLC,
ET AL., C.A. No. 3:20-05535

Southern District of New York

UCHENIK v. MCGRAW HILL, LLC, ET AL., C.A. No. 1:20-03162

MDL No. 2947 – **IN RE: LOWE'S COMPANIES, INC., FAIR LABOR STANDARDS
ACT (FLSA) AND WAGE AND HOUR LITIGATION**

Motion of defendants Lowe's Companies, Inc., and Lowe's Home Centers, LLC, to transfer the following actions to the United States District Court for the Western District of North Carolina:

District of Arizona

GROVE, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 2:20-00586

Eastern District of Arkansas

ESTES, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 4:20-00289

District of Colorado

BOGAERT, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 1:20-00695

District of Connecticut

BELASKI v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 3:20-00343

Central District of Illinois

FITZSIMMONS, ET AL. v. LOWE'S COMPANIES, INC., ET AL.,
C.A. No. 1:20-01109

Western District of Kentucky

ANDERSON, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 3:20-00189

District of Maryland

HYDE, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 1:20-00678

District of Massachusetts

ROY, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 4:20-40029

District of Minnesota

NEAL v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 0:20-01003

Western District of Missouri

NELSON, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 4:20-00190

District of Nevada

RICKS, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 2:20-00515

District of New Jersey

GERBER, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 2:20-02773

District of New Mexico

MARTINEZ, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 2:20-00234

Eastern District of New York

TIRADO v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 1:20-01472

Western District of North Carolina

DANFORD, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 5:19-00041

Southern District of Ohio

RUMPKE, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 2:20-01411

District of South Carolina

FORTE, ET AL. v. LOWE'S COMPANY, INC., ET AL., C.A. No. 2:20-01108

Eastern District of Washington

CLEAVENGER, ET AL. v. LOWE'S COMPANIES, INC., ET AL.,
C.A. No. 4:20-05049

Southern District of West Virginia

BOYCE, ET AL. v. LOWE'S COMPANIES, INC., ET AL., C.A. No. 2:20-00228

MDL No. 2948 – IN RE: TIKTOK, INC., CONSUMER PRIVACY LITIGATION

Motion of plaintiff A.S. to transfer the following actions to the United States District Court for the Southern District of Illinois:

Northern District of California

IN RE: TIKTOK, INC. PRIVACY LITIGATION, C.A. No. 5:19-07792
P.S., ET AL. v. TIKTOK, INC., ET AL., C.A. No. 5:20-02992
D.M., ET AL. v. TIKTOK, INC., ET AL., C.A. No. 5:20-03185
R.S., ET AL. v. TIKTOK, INC., ET AL., C.A. No. 5:20-03212
S.A. v. TIKTOK, INC., ET AL., C.A. No. 5:20-03294

Northern District of Illinois

E.R. v. TIKTOK, INC., ET AL., C.A. No. 1:20-02810
MARKS v. TIKTOK, INC., C.A. No. 1:20-02883
D.H. v. TIKTOK, INC., ET AL., C.A. No. 1:20-02884
L.B. v. TIKTOK, INC., C.A. No. 1:20-02889

Southern District of Illinois

A.S. v. TIKTOK, INC., ET AL., C.A. No. 3:20-00457

MDL No. 2949 – **IN RE: PROFEMUR HIP IMPLANT PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Johnny C. Simpson, et al., and Steven M. Chadderdon, et al., to transfer the following actions to the United States District Court for the Eastern District of Arkansas:

District of Arizona

CASEY v. WRIGHT MEDICAL TECHNOLOGY, INC., ET AL.,
C.A. No. 2:19-05360

Eastern District of Arkansas

MUSTICCHI v. WRIGHT MEDICAL TECHNOLOGY, INC., ET AL.,
C.A. No. 4:19-00607
SIMPSON, ET AL. v. WRIGHT MEDICAL GROUP, INC., ET AL.,
C.A. No. 5:17-00062

Central District of California

BURKHART v. WRIGHT MEDICAL TECHNOLOGY, INC., ET AL.,
C.A. No. 2:17-08561
BUCHANAN, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 2:19-04824
COLE, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 2:20-03993
BODILY v. WRIGHT MEDICAL TECHNOLOGY, INC., ET AL.,
C.A. No. 5:18-02244

Eastern District of California

BAKER, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 2:20-00823

Southern District of California

HOFER, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC., ET AL.,
C.A. No. 3:18-01991
SIVILLI v. WRIGHT MEDICAL TECHNOLOGY, INC., ET AL.,
C.A. No. 3:18-02162

District of Colorado

MARSHALL, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 1:19-01883

Northern District of Florida

STOUFFER v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 3:19-03818

Northern District of Georgia

SHARIF, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 1:20-01300

Northern District of Indiana

EVANS, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC., ET AL.,
C.A. No. 3:19-00160

Northern District of Iowa

DUMLER, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 6:17-02033
HILL, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 6:20-02032

District of Kansas

BURDOLSKI v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 2:20-02116

District of Maine

KIEF v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 1:18-00035

District of Maryland

WILLIAMS v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 1:20-00578

District of Massachusetts

GARFIELD, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 1:18-11872
MCDONALD v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 1:18-12570
BRADLEY v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No.1:20-10215

MATUSZKO, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 3:20-10200
JURCZYK v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 4:19-40126

District of Minnesota

MONSON v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 0:18-01282
GALE, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 0:20-01009

District of Montana

MATOSICH v. WRIGHT MEDICAL GROUP, INC., ET AL., C.A. No. 9:19-00016

District of New Jersey

LOPEZ, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 1:19-12583

Southern District of New York

SAFIR v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 1:18-10742

District of Oregon

HASKELL v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 3:19-01563

Western District of Pennsylvania

HARRIS, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC., ET AL.,
C.A. No. 2:19-00280

District of South Carolina

MILES v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 4:20-00941

District of Utah

BRADSHAW, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC., ET AL.,
C.A. No. 1:16-00108
BURNINGHAM, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC., ET AL.,
C.A. No. 2:17-00092
SMOLKA v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 2:19-00263

Northern District of West Virginia

LAYTON, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 1:20-00083

Eastern District of Wisconsin

RIDOLFI v. WRIGHT MEDICAL TECHNOLOGY, INC., C.A. No. 2:20-00680

Western District of Wisconsin

TZAKIS, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 3:19-00545
CHADDERDON, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
ET AL., C.A. No. 3:19-00787
LARSON v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 3:20-00261
CRAUGH, ET AL. v. WRIGHT MEDICAL TECHNOLOGY, INC.,
C.A. No. 3:20-00270

**MDL No. 2950 – IN RE: PAYCHECK PROTECTION PROGRAM (PPP) AGENT
FEES LITIGATION**

Motion of plaintiff Alliant CPA Group LLC, to transfer the following actions to the United States District Court for the Northern District of Georgia or, in the alternative, the United States District Court for the District of Arizona:

Northern District of Alabama

LEIGH KING NORTON & UNDERWOOD LLC v. REGIONS FINANCIAL
CORPORATION, ET AL., C.A. No. 2:20-00591

District of Arizona

PANDA ACCOUNTING LLC v. ACADEMY BANK NA, ET AL.,
C.A. No. 2:20-00985

Central District of California

AMERICAN VIDEO DUPLICATING, INC., ET AL. v. CITIGROUP INC., ET AL.,
C.A. No. 2:20-03815
AMERICAN VIDEO DUPLICATING, INC. v. ROYAL BANK OF CANADA,
ET AL., C.A. No. 2:20-04036

BRUNNER ACCOUNTING GROUP v. SVB FINANCIAL GROUP, ET AL.,
C.A. No. 2:20-04235

District of Colorado

IMPACCT, LLC v. JPMORGAN CHASE & CO., ET AL., C.A. No. 1:20-01344

Northern District of Florida

SPORT & WHEAT CPA PA v. SERVISFIRST BANK, INC., ET AL.,
C.A. No. 3:20-05425

Northern District of Georgia

ALLIANT CPA GROUP, LLC v. BANK OF AMERICA CORP., ET AL.,
C.A. No. 1:20-02026

Northern District of Illinois

A.D. SIMS, LLC v. WINTRUST FINANCIAL CORPORATION, ET AL.,
C.A. No. 1:20-02644

Southern District of Ohio

DAVID S. LOWRY, CPA, LTD v. U.S. BANCORP, ET AL., C.A. No. 1:20-00348

Western District of Pennsylvania

HALLOCKSHANNON, PC v. CITIZENS & NORTHERN CORP., ET AL.,
C.A. No. 2:20-00714

District of Utah

PANDA GROUP PC v. BANK OF AMERICA CORP., ET AL., C.A. No. 4:20-00045

MDL No. 2951 – **IN RE: SECONDARY TICKET MARKET REFUND LITIGATION**

Motion of plaintiffs Matthew McMillan; Dustin Snyder, et al.; and Timothy Nellis, et al., to transfer the following actions to the United States District Court for the Northern District of Illinois or, in the alternative, the United States District Court for the Western District of Wisconsin:

Northern District of California

ALCARAZ v. STUBHUB, INC., C.A. No. 4:20–02595
KOPFMANN v. STUBHUB, INC., C.A. No. 4:20–03025

Northern District of Illinois

NELLIS, ET AL. v. VIVID SEATS LLC, ET AL., C.A. No. 1:20–02486

Southern District of New York

TRADER v. SEATGEEK, INC., C.A. No. 1:20–03248
REYNOLDS v. STUBHUB, INC., ET AL., C.A. No. 1:20–03508

Western District of Wisconsin

MCMILLAN v. STUBHUB, INC., ET AL., C.A. No. 3:20–00319

MDL No. 2952 – **IN RE: BANK OF AMERICA PAYCHECK PROTECTION PROGRAM LITIGATION**

Motion of plaintiffs E-Dealer Direct, LLC, et al., to transfer the following actions to the United States District Court for the Western District of Texas:

Central District of California

LAW OFFICE OF SABRINA DAMAST, ET AL. v. BANK OF AMERICA CORP.,
ET AL., C.A. No. 2:20–03591

Northern District of California

STUDIO 1220, INC. v. BANK OF AMERICA, NATIONAL ASSOCIATION,
ET AL., C.A. No. 3:20–03081
INFORMATECH CONSULTING, INC. v. BANK OF AMERICA CORP., ET AL.,
C.A. No. 4:20–02892

Western District of Texas

E-DEALER DIRECT, LLC, ET AL. v. BANK OF AMERICA CORP.,
C.A. No. 3:20-00139

MDL No. 2953 – **IN RE: COVIDIEN HERNIA MESH PRODUCTS LIABILITY
LITIGATION**

Motion of defendants Covidien LP; Covidien Holding Inc.; Covidien, Inc.; Covidien plc;
Tyco Healthcare Group; Tyco International; Sofradim Productions SAS; Medtronic, Inc.; and
MedtronicUSA, Inc., to transfer the following actions to the United States District Court for the
Southern District of New York:

Central District of California

NORTHRUP v. COVIDIEN, LP., ET AL., C.A. No. 5:20-00355

Northern District of California

JORDEN v. COVIDIEN, LP., ET AL., C.A. No. 3:19-05709

Southern District of Florida

DYE v. COVIDIEN LP, C.A. No. 0:18-61485

Eastern District of Louisiana

SINGLETARY, ET AL. v. COVIDIEN LP, ET AL., C.A. No. 2:19-13108

District of Massachusetts

MONROE v. MEDTRONIC, INC., ET AL., C.A. No. 1:20-10144

Southern District of Mississippi

OLIVER v. COVIDIEN SALES LLC, ET AL., C.A. No. 3:19-00795

District of New Jersey

SMITH v. COVIDIEN LP, C.A. No. 1:19-11981

Southern District of New York

GREEN v. COVIDIEN LP, C.A. No. 1:18-02939
DUNHAM, ET AL. v. COVIDIEN LP, C.A. No. 1:19-02851
DUNHAM v. COVIDIEN LP, C.A. No. 1:19-02855
KRULEWICH, ET AL. v. COVIDIEN LP, C.A. No. 1:19-02857

Western District of New York

BLACK, ET AL. v. COVIDIEN, PLC, ET AL., C.A. No. 6:17-06085

MDL No. 2954 – **IN RE: WELLS FARGO PAYCHECK PROTECTION PROGRAM
LITIGATION**

Motion of plaintiff DNM Contracting, Inc., to transfer the following actions to the United States District Court for the Southern District of Texas:

Central District of California

BSJA, INC., ET AL. v. WELLS FARGO & COMPANY, ET AL., C.A. No. 2:20-03588

Northern District of California

MA v. WELLS FARGO & COMPANY, ET AL., C.A. No. 3:20-03697
MARSELIAN v. WELLS FARGO & COMPANY, ET AL., C.A. No. 4:20-03166

Southern District of California

KAREN'S CUSTOM GROOMING LLC v. WELLS FARGO & COMPANY, ET AL.,
C.A. No. 3:20-00956

District of Colorado

PHYSICAL THERAPY SPECIALISTS, P.C. v. WELLS FARGO BANK, N.A.,
C.A. No. 1:20-01190

Southern District of Texas

SCHERER v. WELLS FARGO BANK, N.A., C.A. No. 4:20-01295
DNM CONTRACTING, INC. v. WELLS FARGO BANK, N.A., C.A. No. 4:20-01790

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

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

Oppositions of plaintiffs Karen Williams, et al., and Sonna Gregory, et al., to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Central District of California

WILLEMS, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 8:20–00621

Northern District of Georgia

GREGORY, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:20–01443

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

Opposition of plaintiff Phillip Mowry to transfer of the following action to the United States District Court for the Northern District of California:

Middle District of Alabama

MOWRY v. MONSANTO COMPANY, ET AL., C.A. No. 2:20–00215

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

Opposition of plaintiff Valerie Curry to transfer of the following action to the United States District Court for the Northern District of Georgia:

Northern District of Mississippi

CURRY v. PHC–CLEVELAND, INC., ET AL., C.A. No. 4:20–00058

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 and motion of plaintiff Ronald Bass, Sr., to transfer the *Bass* action to the United States District Court for the Northern District of Ohio:

Southern District of Alabama

CITY OF DAPHNE, ALABAMA v. AMNEAL PHARMACEUTICALS, LLC, ET AL.,
C.A. No. 1:20-00258
POARCH BAND OF CREEK INDIANS v. AMNEAL PHARMACEUTICALS, LLC,
ET AL., C.A. No. 1:20-00279

Middle District of Florida

THE CITY OF ORLANDO, FLORIDA v. CVS HEALTH CORPORATION, ET AL.,
C.A. No. 6:20-00736

District of Kansas

SHAWNEE COUNTY, KANSAS, BOARD OF COMMISSIONERS v. ALLERGAN
PLC, ET AL., C.A. No. 5:20-04022

District of Maryland

TOWN OF COTTAGE CITY, ET AL. v. ALLERGAN PLC, ET AL.,
C.A. No. 8:20-00796

Eastern District of Missouri

DADE COUNTY v. ALLERGAN PLC, ET AL., C.A. No. 4:20-00598
MCDONALD COUNTY, MISSOURI v. ALLERGAN PLC, ET AL.,
C.A. No. 4:20-00620

District of New Jersey

BASS v. PURDUE PHARMA L.P., ET AL., C.A. No. 2:19-19709

Western District of Virginia

FREDERICK COUNTY, VIRGINIA v. MALLINCKRODT PLC, ET AL.,
C.A. No. 5:20-00030

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

Oppositions of plaintiffs Amanda Sutton, Carmen Menjivar Guardado, Steven Rodriguez, and Patricia Hall to transfer of their respective following actions to the United States District Court for the Central District of California:

Eastern District of California

SUTTON v. FORD MOTOR COMPANY, C.A. No. 2:20-00407
GUARDADO v. FORD MOTOR COMPANY, ET AL., C.A. No. 2:20-00716

Northern District of California

RODRIGUEZ v. FORD MOTOR COMPANY, C.A. No. 4:20-03260

Southern District of California

HALL v. FORD MOTOR COMPANY, ET AL., C.A. No. 3:20-00609

MDL No. 2843 – **IN RE: FACEBOOK, INC., CONSUMER PRIVACY USER PROFILE LITIGATION**

Opposition of plaintiff Steven W. Wilson to transfer of the following action to the United States District Court for the Northern District of California:

Eastern District of Pennsylvania

WILSON v. FACEBOOK, INC., ET AL., C.A. No. 2:20-00189

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

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

District of Minnesota

TRAIL v. 3M COMPANY, ET AL., C.A. No. 0:20-01153
KANE v. 3M COMPANY, ET AL., C.A. No. 0:20-01157
TAYLOR v. 3M COMPANY, ET AL., C.A. No. 0:20-01161
HALL v. 3M COMPANY, ET AL., C.A. No. 0:20-01166

GONZALES v. 3M COMPANY, ET AL., C.A. No. 0:20-01171
SKAALERUD v. 3M COMPANY, ET AL., C.A. No. 0:20-01175

Western District of Missouri

EVANS v. 3M COMPANY, ET AL., C.A. No. 6:20-03085

MDL No. 2909 - **IN RE: FAIRLIFE MILK PRODUCTS MARKETING AND SALES
PRACTICES LITIGATION**

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

Northern District of Indiana

HONEYCUTT v. FAIR OAKS FARMS FOOD, LLC, C.A. No. 2:20-00099

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.¹

(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.