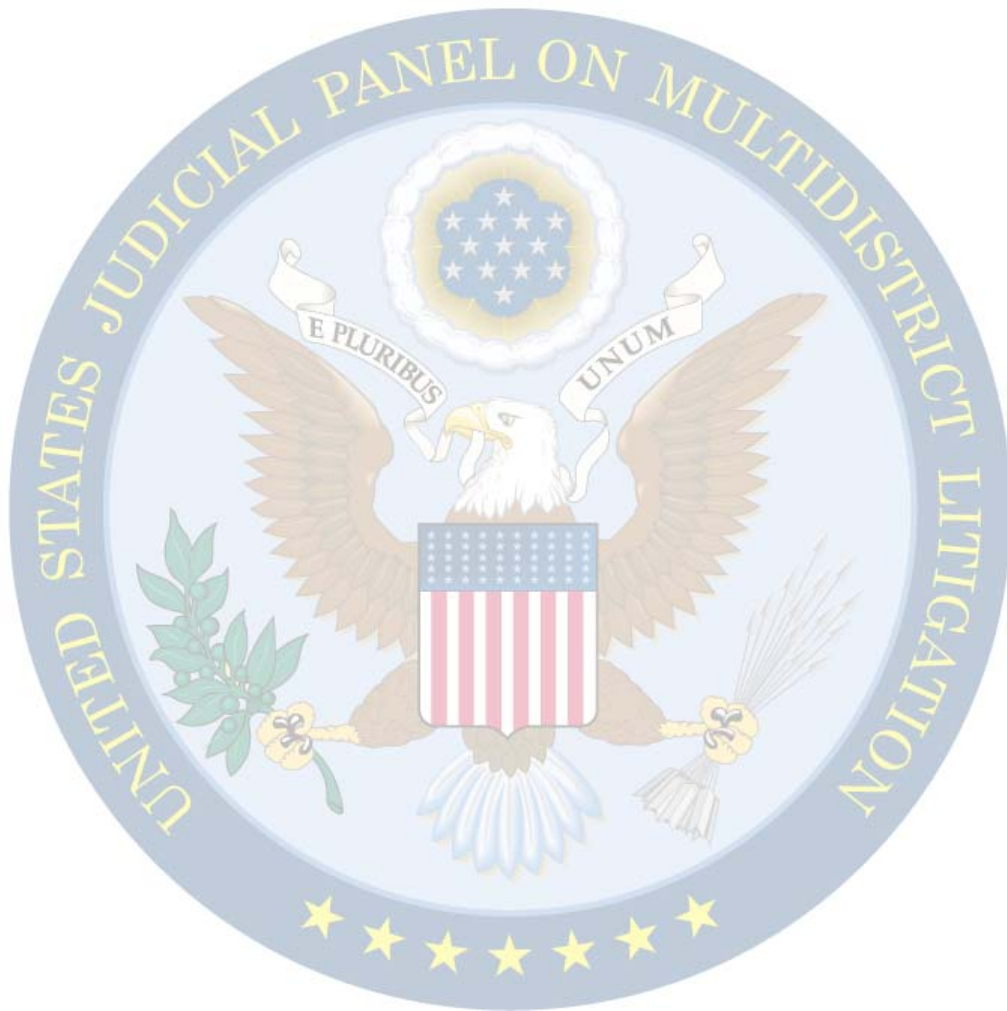


Hearing Session Order & Amendments



January 31, 2019

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**FIRST AMENDMENT TO THE HEARING SESSION ORDER
AND ATTACHED SCHEDULE FILED DECEMBER 13, 2018**

IT IS ORDERED that the Hearing Session Order and attached Schedule filed by the United States Judicial Panel on Multidistrict Litigation on December 13, 2018, are amended to add the following motion to Schedule A of the Schedule for the hearing session on January 31, 2019, in Miami, Florida.

MDL No. 2880 - IN RE: H&R BLOCK EMPLOYEE ANTITRUST LITIGATION

Motion of plaintiff Carmen J. Maurella III to transfer the following actions to the United States District Court for the Northern District of Illinois:

Northern District of Illinois

MAURELLA v. H&R BLOCK, INC., ET AL., C.A. No. 1:18-07435
GRIFFITH v. H&R BLOCK, INC., ET AL., C.A. No. 1:18-07520

Western District of Missouri

RAMSEY v. H&R BLOCK, INC., ET AL., C.A. No. 4:18-00033

FOR THE PANEL:


Jeffery N. Lüthi
Clerk of the Panel

**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: **January 31, 2019**

LOCATION OF HEARING SESSION: Wilkie D. Ferguson, Jr. U.S. Courthouse
Ceremonial Courtroom 13-3, 13th Floor
400 North Miami Avenue
Miami, Florida 33128

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 **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
BROUGHNER 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
REDDEN v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15974
REED v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15976
MEYERS v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15977
ROSSI v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15979
RUBIK v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15980
SANCHEZ v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15981
BREITNER, ET AL. v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15982
METZ, ET AL. v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15983
OPATRNY, ET AL. v. MERCK & CO., INC., ET AL., C.A. No. 3:18-15984
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.

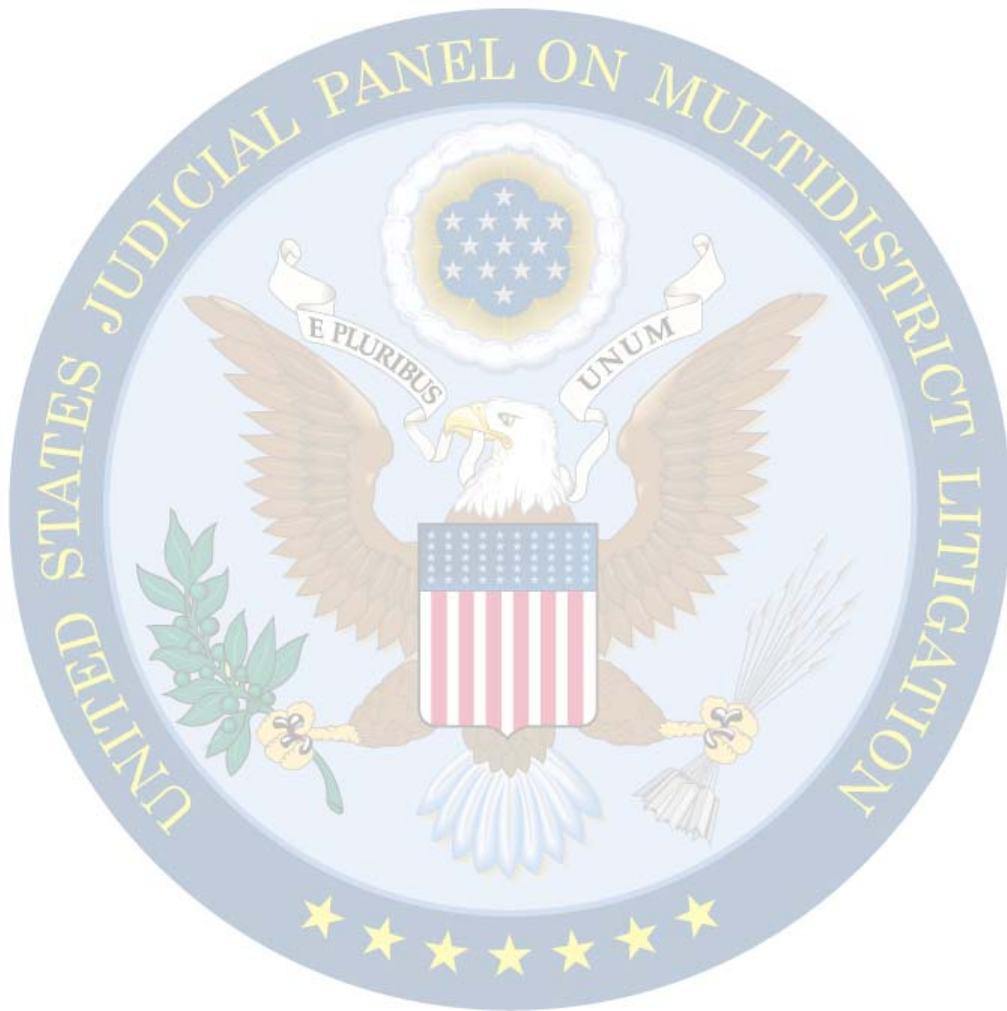
(d) Notification of Oral Argument. The Panel shall promptly notify counsel of those matters in which oral argument is scheduled, as well as those matters that the Panel will consider on the pleadings. The Clerk of the Panel shall require counsel to file and serve notice of their intent to either make 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.

Hearing Session Order & Amendments



March 28, 2019

**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



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 WATERTVILLE 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

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- (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.

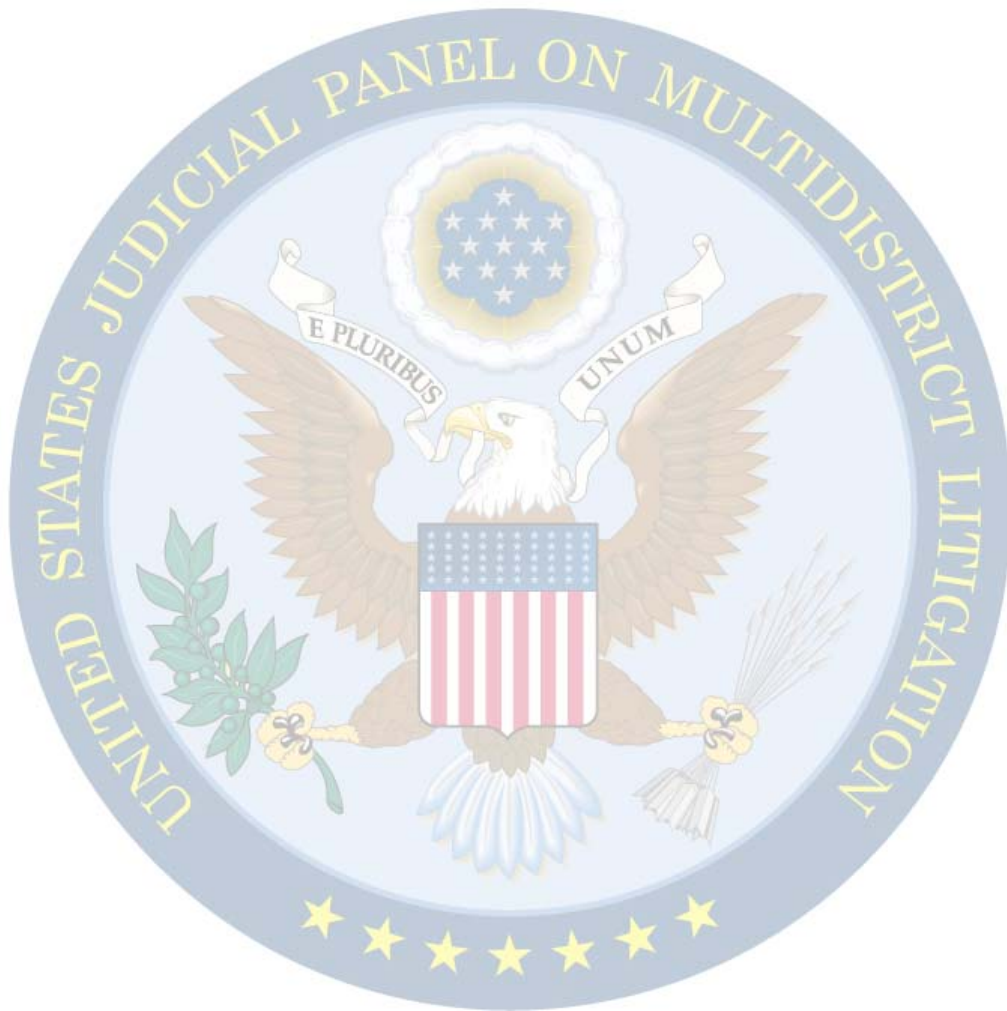
(d) Notification of Oral Argument. The Panel shall promptly notify counsel of those matters in which oral argument is scheduled, as well as those matters that the Panel will consider on the pleadings. The Clerk of the Panel shall require counsel to file and serve notice of their intent to either make 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.

Hearing Session Order & Amendments



May 30, 2019

**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:

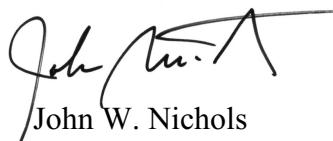
- The Panel carefully considers the positions advocated in filings with the Panel when it allocates time to attorneys presenting oral argument. The Panel, therefore, expects attorneys to adhere to those positions including those concerning an appropriate transferee district. Any change in position should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

- 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 **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.

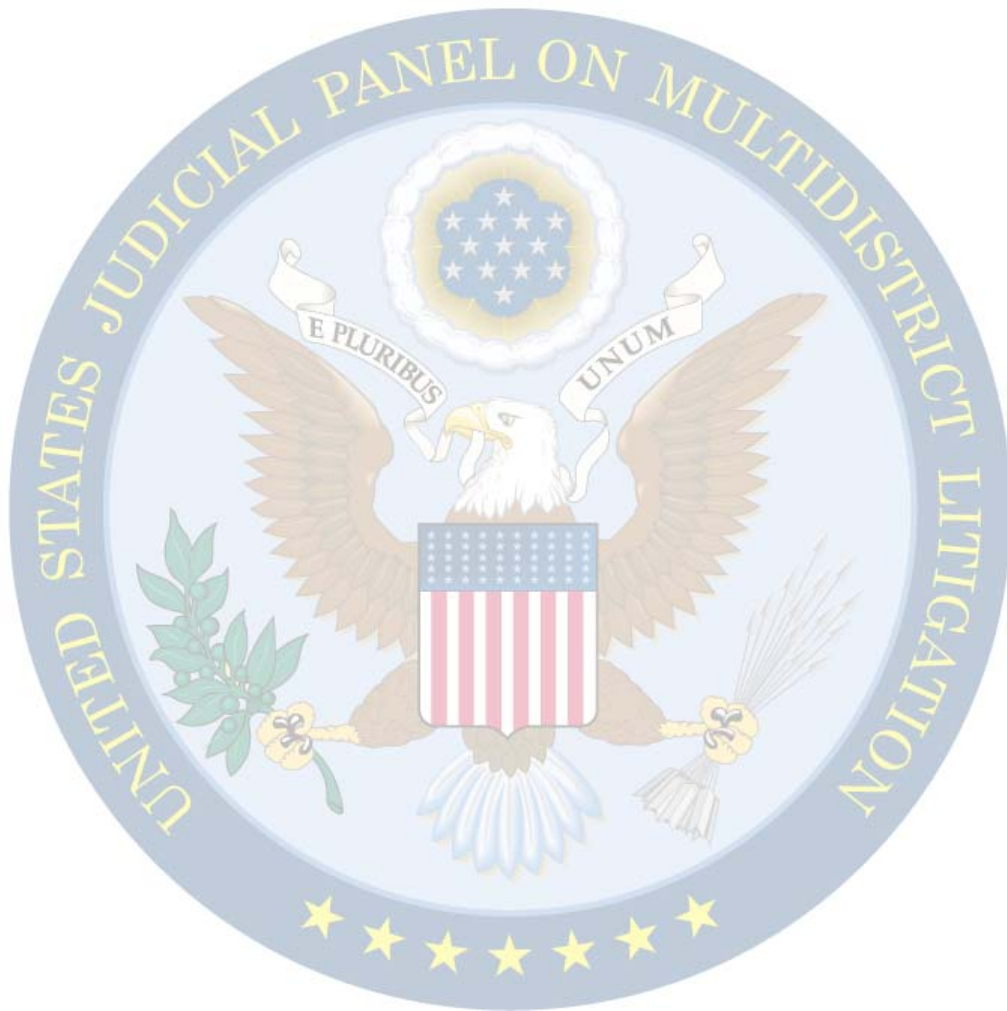
(d) Notification of Oral Argument. The Panel shall promptly notify counsel of those matters in which oral argument is scheduled, as well as those matters that the Panel will consider on the pleadings. The Clerk of the Panel shall require counsel to file and serve notice of their intent to either make 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.

Hearing Session Order & Amendments



September 26, 2019

**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: **September 26, 2019**

LOCATION OF HEARING SESSION: United States Courthouse
Courtroom 1, Mezzanine Level
350 West 1st Street
Los Angeles, California 90012

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:

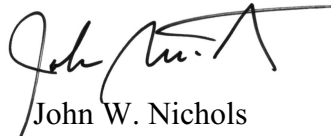
- The Panel carefully considers the positions advocated in filings with the Panel when it allocates time to attorneys presenting oral argument. The Panel, therefore, expects attorneys to adhere to those positions including those concerning an appropriate transferee district. Any change in position should 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 **September 9, 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 Central District of California

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 September 26, 2019, the Panel will convene a hearing session in Los Angeles, California, 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
September 26, 2019 -- Los Angeles, California

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. 2906 – IN RE: BIG PICTURE LOANS, LLC, LITIGATION

Motion of plaintiffs Lula Williams, et al., and Renee Galloway, et al., to transfer the following actions to the United States District Court for the Eastern District of Virginia:

Central District of California

KOBIN v. BIG PICTURE LOANS, LLC, ET AL., C.A. No. 2:19-02842

Northern District of California

CUMMING, ET AL. v. BIG PICTURE LOANS, LLC, ET AL., C.A. No. 5:18-03476

Northern District of Georgia

MCKOY, ET AL. v. BIG PICTURE LOANS, LLC, ET AL., C.A. No. 1:18-03217

District of Massachusetts

DUGGAN v. BIG PICTURE LOANS, LLC, ET AL., C.A. No. 1:18-12277

District of Oregon

SMITH v. BIG PICTURE LOANS, LLC, ET AL., C.A. No. 3:18-01651

Eastern District of Virginia

WILLIAMS, ET AL. v. BIG PICTURE LOANS, LLC, ET AL., C.A. No. 3:17-00461

GALLOWAY, ET AL. v. BIG PICTURE LOANS, LLC, ET AL., C.A. No. 3:18-00406

GALLOWAY, ET AL. v. MARTORELLO, ET AL., C.A. No. 3:19-00314

MDL No. 2907 – **IN RE: FIRST AMERICAN FINANCIAL CORPORATION
CUSTOMER DATA SECURITY BREACH LITIGATION**

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

Central District of California

SINDAGHATTA v. FIRST AMERICAN FINANCIAL CORPORATION, ET AL.,
C.A. No. 2:19-06576
GRITZ v. FIRST AMERICAN FINANCIAL CORPORATION, ET AL.,
C.A. No. 8:19-01009
SHAKIB v. FIRST AMERICAN FINANCIAL CORPORATION, C.A. No. 8:19-01022
WILLIS v. FIRST AMERICAN FINANCIAL CORPORATION, ET AL.,
C.A. No. 8:19-01023
BAHNMAIER v. FIRST AMERICAN FINANCIAL CORPORATION,
C.A. No. 8:19-01040
TOPPINGS PATH HOLDING, LLC v. FIRST AMERICAN FINANCIAL
CORPORATION, ET AL., C.A. No. 8:19-01051
BARAJAS, ET AL. v. FIRST AMERICAN FINANCIAL CORPORATION, ET AL.,
C.A. No. 8:19-01078
MOHR v. FIRST AMERICAN FINANCIAL CORPORATION, ET AL.,
C.A. No. 8:19-01102
DINH v. FIRST AMERICAN FINANCIAL CORPORATION, ET AL.,
C.A. No. 8:19-01105
BRENT AND TERI JOHNSON, LLC v. FIRST AMERICAN FINANCIAL
CORPORATION, ET AL., C.A. No. 8:19-01112
RESENDIZ v. FIRST AMERICAN FINANCIAL CORPORATION, ET AL.,
C.A. No. 8:19-01137
WOODARD v. FIRST AMERICAN FINANCIAL CORPORATION, ET AL.,
C.A. No. 8:19-01156
FORNEY, ET AL. v. FIRST AMERICAN FINANCIAL CORPORATION, ET AL.,
C.A. No. 8:19-01180

Eastern District of Michigan

KUNTZ v. FIRST AMERICAN FINANCIAL CORPORATION, C.A. No. 2:19-11749

MDL No. 2908 – **IN RE: AIR CRASH NEAR EJERE, ETHIOPIA, ON MARCH 10, 2019**

Motion of defendant The Boeing Company to transfer the following actions to the United States District Court for the Northern District of Illinois:

Northern District of Illinois

IN RE: ETHIOPIAN AIRLINES FLIGHT ET 302 CRASH, C.A. No. 1:19-02170
STUMO, ET AL. v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02281
HAMMAMY, ET AL. v. THE BOEING COMPANY, C.A. No. 1:19-02322
ABDI v. THE BOEING COMPANY, C.A. No. 1:19-02348
KARURI, ET AL. v. THE BOEING COMPANY, C.A. No. 1:19-02531
KONDAVEETI v. THE BOEING COMPANY, C.A. No. 1:19-02597
CARRASCO, ET AL. v. THE BOEING COMPANY, C.A. No. 1:19-02709
MUNGAI v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02770
VAIDYA v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02839
VAIDYA v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02840
VAIDYA v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02841
NJOROGE v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02842
NJOROGE v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02843
NJOROGE v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02844
NJOROGE v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02846
VAIDYA v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02847
VAIDYA, ET AL. v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02848
VAIDYA, ET AL. v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02849
SPINI v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02969
SPINI v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-02971
K'OBIEN, ET AL. v. THE BOEING COMPANY, C.A. No. 1:19-03285
MAIRESSE v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-03297
CHIMENTI v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-03298
KONARSKI v. THE BOEING COMPANY, C.A. No. 1:19-03381
SEEX, ET AL. v. THE BOEING COMPANY, C.A. No. 1:19-03392
DZIURAWIEC-DUDA v. THE BOEING COMPANY, C.A. No. 1:19-03506
GITELSON v. THE BOEING COMPANY, C.A. No. 1:19-03525
CONNOLLY v. THE BOEING COMPANY, C.A. No. 1:19-03540
KARANJA v. THE BOEING COMPANY, C.A. No. 1:19-03668
JESSE v. THE BOEING COMPANY, C.A. No. 1:19-03669
KIMITI v. THE BOEING COMPANY, C.A. No. 1:19-03671
CHAFI v. THE BOEING COMPANY, C.A. No. 1:19-03677
ADESANMI v. THE BOEING COMPANY, C.A. No. 1:19-03740
LACROIX v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-03751
EGAL v. THE BOEING COMPANY, C.A. No. 1:19-03819
GATHUMBI, ET AL. v. THE BOEING COMPANY, C.A. No. 1:19-03820

HRNKO v. THE BOEING COMPANY, C.A. No. 1:19-03822
HRNKO v. THE BOEING COMPANY, C.A. No. 1:19-03823
HRNKO v. THE BOEING COMPANY, C.A. No. 1:19-03824
RIFFEL, ET AL. v. THE BOEING COMPANY, C.A. No. 1:19-03844
RIFFEL v. THE BOEING COMPANY, C.A. No. 1:19-03845
MOORE, ET AL. v. THE BOEING COMPANY, C.A. No. 1:19-03846
GEBLER-REEM v. THE BOEING COMPANY, C.A. No. 1:19-03901
MUTURI v. THE BOEING COMPANY, ET AL., C.A. No. 1:19-03927
YAKOB v. THE BOEING COMPANY, C.A. No. 1:19-03965
MWASHI, ET AL. v. THE BOEING COMPANY, C.A. No. 1:19-04004
CHERUIYOT v. THE BOEING COMPANY, C.A. No. 1:19-04009
FRENCH, ET AL. v. THE BOEING COMPANY, C.A. No. 1:19-04027

District of South Carolina

THUGGE, ET AL. v. THE BOEING COMPANY, C.A. No. 2:19-01443
VDOVIC, ET AL. v. THE BOEING COMPANY, C.A. No. 2:19-01455
MATSLIAH v. THE BOEING COMPANY, C.A. No. 2:19-01594

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

Motion of plaintiff Eliana Salzhauer 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 Northern District of Illinois:

Northern District of Georgia

SALZHAUER v. THE COCA-COLA COMPANY, ET AL., C.A. No. 1:19-02709

Northern District of Illinois

MICHAEL v. FAIRLIFE, LLC, ET AL., C.A. No. 1:19-03924
SCHWARTZ, ET AL. v. FAIRLIFE, LLC, C.A. No. 1:19-03929

Northern District of Indiana

SABEEHULLAH, ET AL. v. FAIRLIFE LLC, ET AL., C.A. No. 2:19-00222

MDL No. 2911 – **IN RE: CAMP LEJEUNE, NORTH CAROLINA, WATER
CONTAMINATION LITIGATION (NO. II)**

Motion of defendant United States of America to transfer the following actions to the
United States District Court for the Northern District of Georgia:

Northern District of Georgia

CARTER, ET AL. v. UNITED STATES OF AMERICA, C.A. No. 1:19-02787

District of New Hampshire

PHILLIPS v. US GOVERNMENT, ET AL., C.A. No. 1:19-00128

Eastern District of North Carolina

COUNCIL v. U.S. NAVY, ET AL., C.A. No. 5:19-00097

BUNTING v. DEPARTMENT OF THE NAVY, ET AL., C.A. No. 7:19-00067

FAIN v. UNITED STATES, C.A. No. 7:19-00109

WASHINGTON v. DEPARTMENT OF THE NAVY, C.A. No. 7:19-00112

HURDLE v. CAMP LEJEUNE, USMC, ET AL., C.A. No. 7:19-00115

MDL No. 2912 – **IN RE: PALBOCICLIB PATENT LITIGATION**

Motion of plaintiffs Pfizer, Inc., et al., to transfer the following actions to the United
States District Court for the District of Delaware:

District of Delaware

PFIZER, INC., ET AL. v. AIZANT DRUG RESEARCH SOLUTIONS PVT. LTD.,
C.A. No. 1:19-00743

PFIZER, INC., ET AL. v. ALEMBIC PHARMACEUTICALS, INC., ET AL.,
C.A. No. 1:19-00745

PFIZER, INC., ET AL. v. APOTEX INC., ET AL., C.A. No. 1:19-00747

PFIZER, INC., ET AL. v. AUROBINDO PHARMA, LTD., ET AL.,
C.A. No. 1:19-00748

PFIZER, INC., ET AL. v. CIPLA USA INC., ET AL., C.A. No. 1:19-00749

PFIZER, INC., ET AL. v. DR. REDDY'S LABORATORIES, INC., ET AL.,
C.A. No. 1:19-00750

PFIZER, INC., ET AL. v. HETERO USA, INC., ET AL., C.A. No. 1:19-00751

PFIZER, INC., ET AL. v. MYLAN PHARMACEUTICALS INC., ET AL.,
C.A. No. 1:19-00752

PFIZER, INC., ET AL. v. NATCO PHARMA, INC., ET AL., C.A. No. 1:19-00753

PFIZER, INC., ET AL. v. QILU PHARMA, INC., ET AL., C.A. No. 1:19-00754
PFIZER, INC., ET AL. v. SUN PHARMACEUTICAL INDUSTRIES, LTD., ET AL.,
C.A. No. 1:19-00758
PFIZER, INC., ET AL. v. TEVA PHARMACEUTICALS USA, INC., ET AL.,
C.A. No. 1:19-00759
PFIZER, INC., ET AL. v. ZYDUS PHARMACEUTICALS (USA) INC., ET AL.,
C.A. No. 1:19-00760

Northern District of West Virginia

PFIZER, INC., ET AL. v. MYLAN PHARMACEUTICALS INC., ET AL.,
C.A. No. 1:19-00097

MDL No. 2913 – **IN RE: JUUL LABS, INC., MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION**

Motion of defendant JUUL Labs, Inc., to transfer the following actions to the United
States District Court for the Northern District of California:

Middle District of Alabama

WEST v. JUUL LABS, INC., ET AL., C.A. No. 2:19-00505
HELMS v. JUUL LABS, INC., ET AL., C.A. No. 2:19-00527

Northern District of California

COLGATE, ET AL. v. JUUL LABS, INC., ET AL., C.A. No. 3:18-02499
Y., ET AL. v. JUUL LABS, INC., C.A. No. 3:18-06776
VISCOMI, ET AL. v. JUUL LABS, INC., ET AL., C.A. No. 3:18-06808
ZAMPA v. JUUL LABS, INC., C.A. No. 3:19-02466
SWEARINGEN, ET AL. v. JUUL LABS, INC., ET AL., C.A. No. 4:19-04424

Middle District of Florida

NESSMITH, ET AL. v. ALTRIA GROUP, INC., ET AL., C.A. No. 8:19-00884

Southern District of Florida

SHAPIRO, ET AL. v. ALTRIA GROUP, INC., ET AL., C.A. No. 0:19-61548

Southern District of New York

D.P. v. JUUL LABS, INC., ET AL., C.A. No. 7:18-05758

MDL No. 2914 – **IN RE: ERMI LLC ('289) PATENT LITIGATION**

Motion of ERMI LLC to transfer the following actions to the United States District Court for the Southern District of Florida:

Southern District of California

ERMI LLC v. SPORTSTEK MEDICAL, INC., ET AL., C.A. No. 3:19-00608

Southern District of Florida

ERMI LLC v. TEAM POST OP, INC., ET AL., C.A. No. 0:19-60851

Northern District of Georgia

ONEDIRECT HEALTH NETWORK, INC. v. ERMI LLC, C.A. No. 1:19-01527

Northern District of Illinois

ERMI LLC v. GRAYMONT EQUIPMENT DISTRIBUTION, LLC, ET AL.,
C.A. No. 1:19-02217

Eastern District of Michigan

ERMI LLC v. DETROIT MEDICAL DEVICES, LLC, ET AL., C.A. No. 2:19-10966

Eastern District of North Carolina

ERMI LLC v. NORTHSTATE SURGICAL DEVICES, LLC, ET AL.,
C.A. No. 5:19-00124

Western District of Washington

ERMI LLC v. INTERNATIONAL REHABILITATIVE SCIENCES, INC.,
C.A. No. 3:19-05246

MDL No. 2915 – **IN RE: CAPITAL ONE CONSUMER DATA SECURITY BREACH LITIGATION**

Motion of plaintiff Michael Fadullon to transfer the following actions to the United States District Court for the Western District of Washington and motion of plaintiffs Kevin Zosiac; Akram Tadrous; Paul Berger, et al.; Lara Greenstein; and Eliyahu Lipskar to transfer the following actions to the United States District Court for the District of Columbia:

Central District of California

LABAJO, ET AL. v. CAPITAL ONE BANK (USA), N.A., ET AL.,
C.A. No. 5:19-01431

Northern District of California

FISHER, ET AL. v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 3:19-04485
ABALLO, ET AL. v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 4:19-04475

Southern District of California

PERDEW v. CAPITAL ONE BANK (USA), N. A., C.A. No. 3:19-01421

District of District of Columbia

ZOSIAK v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 1:19-02265
TADROUS v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 1:19-02292
BERGER, ET AL. v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 1:19-02298
GREENSTEIN v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 1:19-02307
LIPSKAR v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 1:19-02328

Middle District of Florida

FRANCIS v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 8:19-01898

Northern District of Illinois

RUFFINO v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 1:19-05234

District of Kansas

HARN v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 2:19-02441

Eastern District of New York

HUN v. CAPITAL ONE FINANCIAL CORPORATION, ET AL., C.A. No. 1:19-04436

Southern District of New York

HOWITT v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,
C.A. No. 1:19-07161

Eastern District of Pennsylvania

VEVERKA v. CAPITAL ONE, N.A., ET AL., C.A. No. 2:19-03461

Eastern District of Virginia

BAIRD v. CAPITAL ONE FINANCIAL CORPORATION, C.A. No. 1:19-00979

MCDONOUGH v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,

C.A. No. 1:19-00984

ANTHONY v. CAPITAL ON., N.A., ET AL., C.A. No. 1:19-00993

HILKER v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,

C.A. No. 1:19-00995

Western District of Washington

FADULLON v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,

C.A. No. 2:19-01189

OUELLETTE, ET AL. v. CAPITAL ONE FINANCIAL CORPORATION,

ET AL., C.A. No. 2:19-01203

MDL No. 2916 – **IN RE: SKYWEST AIRLINES, INC., FLIGHT ATTENDANT FAIR LABOR STANDARDS ACT (FLSA) AND WAGE AND HOUR LITIGATION**

Motion of defendant SkyWest Airlines, Inc., to transfer the following actions to the United States District Court for the Northern District of Illinois:

Northern District of California

WILSON, ET AL. v. SKYWEST AIRLINES, INC., ET AL., C.A. No. 3:19-01491

Northern District of Illinois

HIRST, ET AL. v. SKYWEST AIRLINES, INC., ET AL., C.A. No. 1:15-02036
TAPP, ET AL., v. SKYWEST INC., ET AL., C.A. No. 1:15-11117

MDL No. 2917 – **IN RE: AIR CRASH NEAR ELLABELL, GEORGIA, ON AUGUST 28, 2017**

Motion of plaintiffs John Hartwell Cocke, et al., to transfer the following actions to the United States District Court for the Southern District of Georgia:

District of Delaware

COCKE, ET AL. v. CONTINENTAL MOTORS, INC., C.A. No. 1:19-01420
HUNTER, ET AL. v. CONTINENTAL MOTORS, INC., C.A. No. 1:19-01447

Southern District of Georgia

COCKE, ET AL. v. CONTINENTAL MOTORS, INC., ET AL., C.A. No. 4:19-00169
HUNTER, ET AL. v. CONTINENTAL MOTORS, INC., ET AL., C.A. No. 4:19-00174

District of Nebraska

COCKE, ET AL. v. WHISLER AVIATION, INC., ET AL., C.A. No. 8:19-00335
HUNTER, ET AL. v. WHISLER AVIATION, INC., ET AL., C.A. No. 8:19-00339

MDL No. 2918 – **IN RE: HARD DISK DRIVE SUSPENSION ASSEMBLIES ANTITRUST LITIGATION**

Motion of plaintiff Ferzula Elmazi to transfer the following actions to the United States District Court for the Eastern District of Michigan:

Eastern District of Michigan

INTEGRITY FINANCIAL SERVICES OF TAMPA BAY, INC., ET AL. v. NHK
SPRING CO. LTD., ET AL., C.A. No. 2:19-12258
CMP CONSULTING SERVICES, INC. v. NHK SPRING CO. LTD., ET AL.,
C.A. No. 2:19-12337
ELMAZI v. TDK CORPORATION, ET AL., C.A. No. 3:19-12244

Southern District of New York

CIMINO, ET AL. v. HEADWAY TECHNOLOGIES, INC., ET AL.,
C.A. No. 1:19-07428

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

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

Opposition of plaintiff Daryl Wietzema to transfer of the following action to the United States District Court for the District of Minnesota:

District of North Dakota

WIETZEMA v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:19-00067

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

Oppositions of plaintiffs Gemma Dura Sambti; Mayra Wainscott; and Allan Palmer, et al., to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Northern District of California

SAMBTI v. JOHNSON & JOHNSON, ET AL., C.A. No. 3:19-03715

Southern District of California

WAINSCOTT v. JOHNSON & JOHNSON, ET AL., C.A. No. 3:19-01160

Northern District of Illinois

PALMER, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:19-03731

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

Oppositions of plaintiffs Edward Okamoto, et al.; Richard D. Mayer, et al.; and Roland Trosclair, Jr., to transfer of their respective following actions to the United States District Court for the Northern District of California:

District of Hawaii

OKAMOTO, ET AL. v. MONSANTO COMPANY, C.A. No. 1:19-00330

MAYER, ET AL. v. MONSANTO COMPANY, C.A. No. 1:19-00331

Eastern District of Louisiana

TROSCLAIR v. MONSANTO COMPANY, ET AL., C.A. No. 2:19-10689

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

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

Southern District of Illinois

DENNINGER, ET AL. v. ANDERSON, ET AL., C.A. No. 3:19-00665

MDL No. 2797 – **IN RE: WELLS FARGO AUTO INSURANCE MARKETING AND
SALES PRACTICES LITIGATION**

Opposition of plaintiff Patrick Karpowski to transfer of the following action to the United States District Court for the Central District of California:

Western District of Michigan

KARPOWSKI v. WELLS FARGO DEALER SERVICES, C.A. No. 1:19-00363

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

Opposition of plaintiff Michael Duanne Johnston to transfer of the following action to the United States District Court for the Northern District of Georgia:

District of New Mexico

JOHNSTON v. EQUIFAX, C.A. No. 2:19-00485

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:

District of Hawaii

COUNTY OF KAUAI v. CVS HEALTH CORPORATION, ET AL.,
C.A. No. 1:19-00377

Eastern District of Michigan

CHARTER TOWNSHIP OF HARRISON v. THE PAIN CENTER USA, PLLC, ET AL.,
C.A. No. 2:19-11681
CITY OF STERLING HEIGHTS v. THE PAIN CENTER USA, PLLC, ET AL.,
C.A. No. 2:19-11685
CITY OF WARREN v. THE PAIN CENTER USA, PLLC, ET AL.,
C.A. No. 2:19-11687

Eastern District of Missouri

WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH) v. MALLINCKRODT BRAND
PHARMACEUTICALS, INC., ET AL., C.A. No. 4:19-01654
ST. FRANCOIS COUNTY v. DANNIE E. WILLIAMS, M.D., ET AL.,
C.A. No. 4:19-01722
THE CHEROKEE NATION v. MALLINCKRODT PLC, ET AL., C.A. No. 4:19-01911

District of New Jersey

COUNTY OF BURLINGTON v. PURDUE PHARMA L.P., ET AL.,
C.A. No. 1:19-13684

Eastern District of New York

THE CITY OF AUBURN v. PURDUE PHARMA L.P., ET AL., C.A. No. 2:19-03800

Northern District of New York

THE CITY OF SARATOGA SPRINGS v. PURDUE PHARMA L.P., ET AL.,
C.A. No. 1:19-00789
THE CITY OF OGDENSBURG v. PURDUE PHARMA L.P., ET AL.,
C.A. No. 8:19-00782

Western District of New York

THE CITY OF ROCHESTER v. PURDUE PHARMA L.P., ET AL.,
C.A. No. 6:19-06490

Northern District of Oklahoma

CITY OF JENKS v. PURDUE PHARMA L.P., ET AL., C.A. No. 4:19-00380

Southern District of Texas

ROCKWALL COUNTY, TX v. CVS HEALTH CORPORATION, C.A. No. 4:19-02181
ELLIS COUNTY v. WALGREENS BOOTS ALLIANCE, INC., ET AL.,
C.A. No. 4:19-02256
COUNTY OF DUVAL v. CVS HEALTH CORPORATION, C.A. No. 4:19-02504

Eastern District of Virginia

LOUDOUN COUNTY, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,
C.A. No. 1:19-00778
CITY OF PORTSMOUTH v. MCKESSON CORPORATION, ET AL.,
C.A. No. 2:19-00331
CITY OF FREDERICKSBURG, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,
C.A. No. 3:19-00457
PRINCE GEORGE COUNTY, VIRGINIA v. PURDUE PHARMA, L.P., ET AL.,
C.A. No. 3:19-00458
GREENSVILLE COUNTY, v. V. PURDUE PHARMA, L.P., ET AL.,
C.A. No. 3:19-00459
CITY OF EMPORIA, VIRGINIA v. PURDUE PHARMA L.P., ET AL.,
C.A. No. 3:19-00513

Western District of Virginia

CULPEPER COUNTY, VIRGINIA v. PURDUE PHARMA L.P., ET AL.,
C.A. No. 3:19-00037
CHARLOTTE COUNTY, VIRGINIA v. PURDUE PHARMA L.P., ET AL.,
C.A. No. 4:19-00029

MDL No. 2846 – **IN RE: DAVOL, INC./C.R. BARD, INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Donald J. Meuchel to transfer of the following action to the United States District Court for the Southern District of Ohio:

District of Montana

MEUCHAL v. DAVOL, INC., ET AL., C.A. No. 9:19-00116

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.