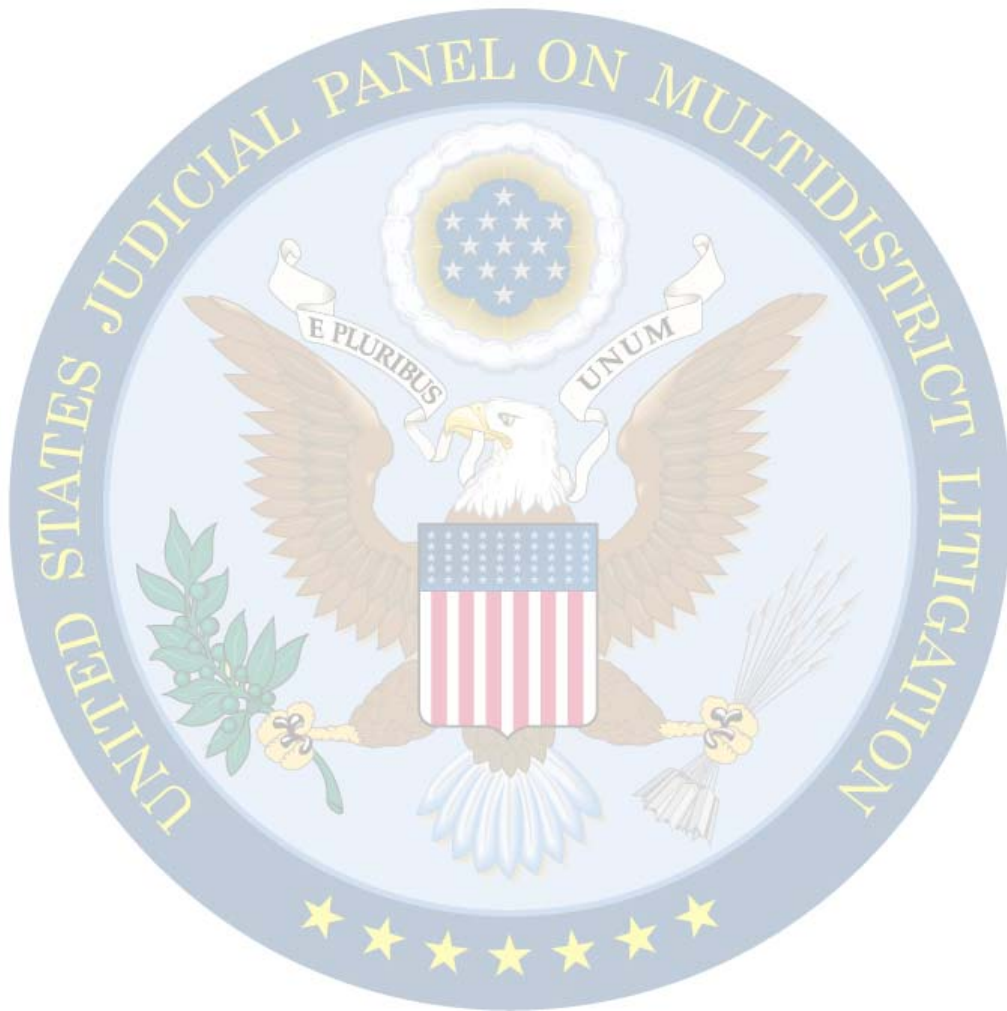


# Hearing Session Order & Amendments



January 28, 2021

**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 28, 2021**

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

TIME OF HEARING SESSION: **11:00 a.m.**

SCHEDULED MATTERS: Matters scheduled for consideration at this hearing session are listed on the enclosed Hearing Session Order and Schedule of Matters for Hearing Session.

- Section A of this Schedule lists the matters designated for oral argument **by videoconference or teleconference** and includes all actions encompassed by Motion(s) for transfer filed pursuant to Rules 6.1 and 6.2 and Orders to Show Cause filed pursuant to Rule 8.1(a). Any party waiving oral argument pursuant to Rule 11.1(d) need not participate in the Hearing Session videoconference or teleconference.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 11.1(c). Parties and counsel involved in these matters need not participate in the Hearing Session.

ORAL ARGUMENT:

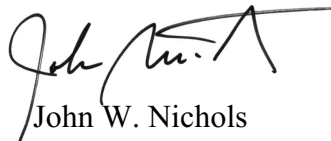
- **THE PANEL WILL HEAR ORAL ARGUMENT BY VIDEOCONFERENCE OR TELECONFERENCE.** Further details regarding how the Hearing Session will be conducted—including sign-in information, allocation of argument times, and a mandatory training session for arguing attorneys—shall be provided after the filing of the parties' Notices of Presentation or Waiver of Oral Argument. Note that the training session is not mandatory for attorneys who previously have attended a training session.

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- 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.
- 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 4, 2021**. The procedures governing Panel oral argument (Panel Rule 11.1) are attached. The Panel strictly adheres to these procedures.

FOR THE PANEL:



John W. Nichols  
Clerk of the Panel

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**HEARING SESSION ORDER**

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

IT IS ORDERED that on January 28, 2021, the Panel will convene a hearing session in Washington, DC, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

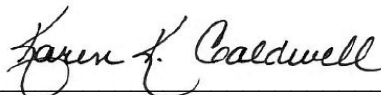
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that, in light of the ongoing COVID-19 pandemic, the Panel will hear oral argument on the matters listed on Section A of the attached Schedule **by videoconference or teleconference**, unless the parties waive oral argument or unless the Panel later decides to dispense with oral argument pursuant to Panel Rule 11.1(c).

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

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

PANEL ON MULTIDISTRICT LITIGATION



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Karen K. Caldwell  
Chair

Catherine D. Perry	Nathaniel M. Gorton
Matthew F. Kennelly	David C. Norton
Roger T. Benitez	Dale A. Kimball

SCHEDULE OF MATTERS FOR HEARING SESSION  
January 28, 2021 -- Washington, DC

**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. 2978 – IN RE: HOTEL BOOKING ACCESS FOR INDIVIDUALS WITH  
DISABILITIES LITIGATION**

Motion of Hotels and Stuff Inc., to transfer the following actions to the United States District Court for the Western District of Pennsylvania:

District of District of Columbia

SARWAR v. 1061 31ST STREET LLC, C.A. No. 1:20-02601  
SARWAR v. TUDOR LP, C.A. No. 1:20-02775

Middle District of Georgia

SARWAR v. OMKAR RAJ 2017 LLC, C.A. No. 3:20-00099

Northern District of Georgia

SARWAR v. CHATUGE RESORT, INC., C.A. No. 2:20-00215

Southern District of Georgia

SARWAR v. JAY NIDHI INC., C.A. No. 5:20-00124

Central District of Illinois

SARWAR v. ELIM KE, INC., C.A. No. 2:20-02273

Southern District of Illinois

SARWAR v. WILKINSON, C.A. No. 3:20-01045

District of Maine

SARWAR v. AUBURN FIRESIDE INN LLC, C.A. No. 2:20-00355

District of Maryland

SARWAR v. LAVALE HOSPITALITY LLC, C.A. No. 1:20-02668

SARWAR v. HOTEL GUNTER 2018 LLC, C.A. No. 1:20-02829

District of Massachusetts

SARWAR v. R.F. DALY REALTY LLC, C.A. No. 1:20-11774

SARWAR v. AARIA HOSPITALITY LLC, C.A. No. 1:20-11779

SARWAR v. HYANNIS TRAVEL INN REALTY TRUST, C.A. No. 1:20-11780

SARWAR v. RED JACKET BEACH LIMITED PARTNERSHIP, C.A. No. 1:20-11781

SARWAR v. BOXBOROUGH REGENCY LLC, C.A. No. 1:20-11783

SARWAR v. CONCORD'S COLONIAL INN ONE, LLC, C.A. No. 1:20-11850

SARWAR v. THE WAGON WHEEL MOTEL INC., C.A. No. 3:20-11782

District of New Jersey

SARWAR v. BIPIN-SETH INC., C.A. No. 2:20-12744

Northern District of New York

SARWAR v. DOBBINS REAL ESTATE, LLC, C.A. No. 1:20-01111

SARWAR v. 18718 NY 28, LLC, C.A. No. 3:20-01119

SARWAR v. PATEL, C.A. No. 5:20-01117

SARWAR v. MAPLEWOOD INN, LLC, C.A. No. 5:20-01171

SARWAR v. ESA 0504 INC., C.A. No. 5:20-01174

SARWAR v. TOWN HOUSE MOTOR INN, INC., C.A. No. 6:20-01060

SARWAR v. RESORT HOLDINGS LP LLC, C.A. No. 8:20-01161

SARWAR v. WALDY, C.A. No. 8:20-01173

Western District of Pennsylvania

SARWAR v. MOHAMMAD, C.A. No. 2:20-01391

SARWAR v. MILLENIUM HOTELS INC., C.A. No. 2:20-01469

Western District of Texas

SARWAR v. AJNISHA BUILDERS, LLC, C.A. No. 5:20-01098  
SARWAR v. MINU, LLC, C.A. No. 5:20-01165  
SARWAR v. PATEL, ET AL., C.A. No. 7:20-00239

Eastern District of Wisconsin

SARWAR v. MAA LLC, C.A. No. 1:20-01448

MDL No. 2979 – **IN RE: NATIONAL RIFLE ASSOCIATION BUSINESS  
EXPENDITURES LITIGATION**

Motion of The National Rifle Association of America to transfer the following actions to  
the United States District Court for the Northern District of Texas:

Northern District of New York

NATIONAL RIFLE ASSOCIATION OF AMERICA v. JAMES, C.A. No. 1:20-00889

Middle District of Tennessee

DELL'AQUILA v. LAPIERRE, ET AL., C.A. No. 3:19-00679

Northern District of Texas

NATIONAL RIFLE ASSOCIATION OF AMERICA v. ACKERMAN MCQUEEN,  
INC., ET AL., C.A. No. 3:19-02074  
ACKERMAN MCQUEEN, INC. v. STINCHFIELD, C.A. No. 3:19-03016

MDL No. 2981 – **IN RE: GOOGLE ANTITRUST LITIGATION**

Motion of plaintiff J. Jackson Paige to transfer the following actions to the United States  
District Court for the District of Columbia:

Northern District of California

EPIC GAMES, INC. v. GOOGLE LLC, ET AL., C.A. No. 3:20-05671  
IN RE GOOGLE PLAY CONSUMER ANTITRUST LITIGATION,  
C.A. No.3:20-05761  
IN RE GOOGLE PLAY DEVELOPER ANTITRUST LITIGATION,  
C.A. No. 3:20-05792  
PEEKYA SERVICES, INC. v. GOOGLE LLC, ET AL., C.A. No. 3:20-06772

BENTLEY, ET AL. v. GOOGLE LLC, ET AL., C.A. No. 3:20-07079  
MCNAMARA v. GOOGLE LLC, ET AL., C.A. No. 3:20-07361  
HERRERA v. GOOGLE LLC, C.A. No. 3:20-07365  
CARROLL v. GOOGLE LLC, C.A. No. 3:20-07379  
IN RE GOOGLE DIGITAL ADVERTISING ANTITRUST LITIGATION,  
C.A. No. 5:20-03556

District of District of Columbia

PAIGE v. GOOGLE LLC, ET AL., C.A. No. 1:20-03158

**MDL No. 2983 – IN RE: DICKEY'S BARBECUE RESTAURANTS, INC., CUSTOMER  
DATA SECURITY BREACH LITIGATION**

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

Southern District of California

DICZHAZY, ET AL. v. DICKEY'S BARBECUE RESTAURANTS, INC., ET AL.,  
C.A. No. 3:20-02189  
MARQUEZ v. DICKEY'S BARBECUE RESTAURANTS, INC., ET AL.,  
C.A. No. 3:20-02251

Northern District of Texas

KOSTKA v. DICKEY'S BARBECUE RESTAURANTS, INC., C.A. No. 3:20-03424



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

MDL No. 2179 – **IN RE: OIL SPILL BY THE OIL RIG "DEEPWATER HORIZON" IN THE GULF OF MEXICO, ON APRIL 20, 2010**

Opposition of plaintiff Brian J. Donovan to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

Middle District of Florida

DONOVAN v. BARBIER, ET AL., C.A. No. 8:20-02598

MDL No. 2286 – **IN RE: MIDLAND CREDIT MANAGEMENT, INC., TELEPHONE CONSUMER PROTECTION ACT (TCPA) LITIGATION**

Opposition of plaintiff Ashok Arora to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Northern District of Illinois:

Southern District of California

ARORA v. MIDLAND CREDIT MANAGEMENT, INC., ET AL., C.A. No. 3:15-01712  
(N.D. Illinois, C.A. No. 1:15-06109)

MDL No. 2331 – **IN RE: PROPECIA (FINASTERIDE) PRODUCTS LIABILITY LITIGATION**

Motion of defendant Merck & Co., Inc., to transfer the following action to the United States District Court for the Eastern District of New York:

District of New Jersey

MCALEXANDER v. MERCK & CO. INC., C.A. No. 2:20-15042

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

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

Central District of California

GILL, ET AL. v. JOHNSON AND JOHNSON, ET AL., C.A. No. 2:20-08561

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

Opposition of plaintiffs Michael Randy Hayes, et al., to transfer of the *Hayes* action to the United States District Court for the Northern District of California; motion of plaintiff National Black Farmers Association to transfer the *National Black Farmers Association* action to the United States District Court for the Northern District of California; and motion of plaintiff Ralph A. Applegate for remand, pursuant to 28 U.S.C. § 1407(a), of the *Applegate* actions to the United States District Court for the Southern District of Ohio:

Northern District of Alabama

HAYES, ET AL. v. MONSANTO COMPANY, ET AL., C.A. No. 3:20-01736

Northern District of California

APPLEGATE v. MONSANTO COMPANY, C.A. No. 3:18-03363 (S.D. Ohio,  
C.A. No. 2:18-00045)

APPLEGATE v. BAYER AG, C.A. No. 3:19-06800 (S.D. Ohio, C.A. No. 2:19-04264)

Eastern District of Missouri

NATIONAL BLACK FARMERS ASSOCIATION v. MONSANTO COMPANY,  
C.A. No. 4:20-01145

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

Oppositions of plaintiffs to transfer of their respective following actions to the United State District Court for the Northern District of Ohio; motion of The Plaintiffs’ Executive Committee in MDL No. 2804 to transfer the *Walmart* action to the United States District Court for the Northern District of Ohio; motion of defendant Hikma Pharmaceuticals USA Inc., to transfer the *Smith* and *Blankenship* actions to the United States District Court for the Northern District of Ohio; and motion of plaintiffs for remand, pursuant to 28 U.S.C. § 1407(a), of the City of Santa Fe and City and City of Albuquerque actions to the United States District Court for the District of New Mexico:

Northern District of Illinois

VILLAGE OF ADDISON, ET AL. v. CEPHALON, INC., ET AL., C.A. No. 1:20-05534

Northern District of Mississippi

SMITH v. INDIVIOR, INC., ET AL., C.A. No. 3:20-00187

BLANKENSHIP v. INDIVIOR, INC., ET AL., C.A. No. 4:20-00135

Eastern District of Missouri

BARRY COUNTY v. ALLERGAN PLC, ET AL., C.A. No. 4:20-01452

Northern District of Ohio

CITY OF ALBUQUERQUE v. TEVA PHARMACEUTICALS USA, INC., ET AL.,  
C.A. No. 1:20-45136 (D. New Mexico, C.A. No. 1:19-01168)

CITY OF SANTA FE v. PURDUE PHARMA L.P., ET AL., C.A. No. 1:20-45137  
(D. New Mexico, C.A. No. 1:19-01105)

Northern District of Oklahoma

CITY OF TULSA v. CEPHALON, INC., ET AL., C.A. No. 4:20-00493

Western District of Oklahoma

ELK CITY CITY OF v. CEPHALON, INC., ET AL., C.A. No. 5:20-00998

Eastern District of Pennsylvania

LABORERS' DISTRICT COUNCIL BUILDING AND CONSTRUCTION  
HEALTH AND WELFARE FUND v. PURDUE PHARMA L.P., ET AL.,  
C.A. No. 2:20-04804  
SHEET METAL WORKERS LOCAL 19 HEALTH FUND v. PURDUE PHARMA  
L.P., ET AL., C.A. No. 2:20-04805  
DISTRICT ATTORNEY OF CLEARFIELD COUNTY v. PURDUE PHARMA L.P.,  
ET AL., C.A. No. 2:20-05171  
ASBESTOS WORKERS LOCAL UNION NO. 2 WELFARE FUND v. ALLERGAN,  
PLC, ET AL., C.A. No. 2:20-05191

Eastern District of Texas

WALMART, INC. v. U.S. DEPARTMENT OF JUSTICE, ET AL.,  
C.A. No. 4:20-00817

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

Oppositions of plaintiffs Teresa Mauldin, et al.; Attorney General Dana Nessel, et al.;  
and Tina Poynter-Abell to transfer of their respective following actions to the United States  
District Court for the District of South Carolina:

Northern District of California

MAULDIN, ET AL. v. 3M COMPANY, ET AL., C.A. No. 5:20-07212

Western District of Michigan

NESSSEL, ET AL. v. CHEMGUARD, INC., ET AL., C.A. No. 1:20-01080

Eastern District of Missouri

POYNTER-ABELL v. 3M COMPANY, ET AL., C.A. No. 4:20-01568

**MDL No. 2875 – IN RE: VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS  
LIABILITY LITIGATION**

Motion of defendants Aurobindo Pharma USA, Inc., and CVS Pharmacy, Inc., to transfer the following action to the United States District Court for the District of New Jersey:

Middle District of Florida

HERNANDEZ v. CVS PHARMACY INC., C.A. No. 8:20-02409

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

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

District of Minnesota

BISCHOFF, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-01984  
ANDERSON, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02010  
BRIONES v. 3M COMPANY, ET AL., C.A. No. 0:20-02042  
AKIN, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02125  
ALDRIDGE, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02256  
DODSON, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02297  
BILLUPS, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02298  
BISSESSAR, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02313  
ALLMAN, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02338

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

Oppositions of plaintiffs Doreen Toth, et al.; Cullen Schoppa; Caroline Kherkher; and William Beck Woodruff and defendants Fontem US, Inc.; LOEC, Inc.; Reynolds American Inc.; R.J. Reynolds Tobacco Company; Japan Tobacco International U.S.A., Inc.; and Logic Technology Development LLC to transfer of their respective following actions to the United States District Court for the Northern District of California:

Southern District of New York

TOTH, ET AL. v. JUUL LABS, INC., ET AL., C.A. No. 7:20-08517

Southern District of Texas

SCHOPPA v. JUUL LABS, INC., ET AL., C.A. No. 4:20-03535  
KHERKHER v. JUUL LABS, INC., ET AL., C.A. No. 4:20-03540  
WOODRUFF v. JUUL LABS, INC., ET AL., C.A. No. 4:20-03543

MDL No. 2924 – **IN RE: ZANTAC (RANITIDINE) PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Rochanda Hawkins to transfer of the following action to the United States District Court for the Southern District of Florida:

Northern District of Illinois

HAWKINS v. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC., ET AL.,  
C.A. No. 1:20-06509

MDL No. 2936 – **IN RE: SMITTY'S/CAM2 303 TRACTOR HYDRAULIC FLUID MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Nationwide Agribusiness Insurance Company to transfer of the following actions to the United States District Court for the Western District of Missouri:

Eastern District of Louisiana

NATIONWIDE AGRIBUSINESS INSURANCE COMPANY v. SMITTY'S  
SUPPLY, INC., ET AL., C.A. No. 2:20-02890  
NATIONWIDE AGRIBUSINESS INSURANCE COMPANY v. SMITTY'S  
SUPPLY, INC., ET AL., C.A. No. 2:20-02892

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

Oppositions of plaintiff Ahern Rentals, Inc., to transfer of the following actions to the United States District Court for the Western District of Missouri:

Northern District of California

AHERN RENTALS, INC. v. SCHREINER, C.A. No. 3:20-06750

Eastern District of Missouri

AHERN RENTALS, INC. v. EQUIPMENTSHARE.COM INC., ET AL.,  
C.A. No. 4:20-01565

Eastern District of Texas

AHERN RENTALS, INC. v. EQUIPMENTSHARE.COM, INC., C.A. No. 2:20-00333

MDL No. 2959 – **IN RE: PROVEN NETWORKS, LLC, PATENT LITIGATION**

Opposition of defendant F5 Networks, Inc., to transfer of the following action to the United States District Court for the Western District of Texas:

Northern District of California

PROVEN NETWORKS, LLC v. F5 NETWORKS, INC., C.A. No. 3:20-05571

MDL No. 2982 – **IN RE: FEDERAL BUREAU OF PRISONS HOME CONFINEMENT LITIGATION (NO. II)**

Motion of plaintiff Rhonda Fleming to transfer the following actions to the United States District Court for the Central District of California:

Central District of California

TORRES, ET AL. v. MILUSNIC, ET AL., C.A. No. 2:20-04450

Northern District of Florida

FLEMING v. STRONG, C.A. No. 4:20-00212

LEE v. STRONG, C.A. No. 4:20-00329

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.



**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**SUPPLEMENTAL NOTICE OF HEARING SESSION**

Pursuant to the order of the United States Judicial Panel on Multidistrict Litigation filed on December 15, 2020, supplemental notice is hereby given regarding the January 28, 2021, hearing session scheduled to consider various matters under 28 U.S.C. § 1407.

ORAL ARGUMENT:

- **THE PANEL WILL HEAR ORAL ARGUMENT BY VIDEOCONFERENCE USING THE ZOOM MEETING APP.** Oral argument will begin at **11:00 a.m.** (All times are Eastern Daylight Time.) The Panel will hear argument in the following dockets, in the following order, at this session:

MDL NO. 2978 – IN RE: HOTEL BOOKING ACCESS FOR INDIVIDUALS WITH DISABILITIES LITIGATION

MDL NO. 2979 – IN RE: NATIONAL RIFLE ASSOCIATION BUSINESS EXPENDITURES LITIGATION

MDL NO. 2981 – IN RE: GOOGLE ANTITRUST LITIGATION

MDL NO. 2983 – IN RE: DICKEY'S BARBECUE RESTAURANTS, INC., CUSTOMER DATA SECURITY BREACH LITIGATION

- The use of videoconference technology for presentation of oral argument is not normal Panel practice. In light of the ongoing COVID-19 pandemic, the Panel and Panel staff are making the time- and resource-intensive arrangements necessary to conduct a virtual hearing in an efficient and effective manner. The Panel plans to return to its practice of in-person hearings when it becomes practicable to do so. **To ensure the manageability of the Zoom hearing, only counsel presenting oral argument will be provided access to the videoconference during the designated time[s].** If the Panel decides to continue argument in one or more dockets to an “afternoon session,” counsel presenting argument at the morning session should not sign into the afternoon session unless counsel is presenting argument in a docket that has been continued from the morning session.
- A transcript of the oral argument will be filed in each docket when it becomes available. Parties who wish to order a transcript may do so by completing a transcript request form at <https://www.dcd.uscourts.gov/content/request-transcript> and selecting Bryan Wayne as the court reporter.

- **Non-arguing counsel, members of the press, and the general public may access live audio of the oral argument by dialing (877) 411-9748 and using access code 1892547. If they cannot connect to the argument using that number and code, they should dial (888) 204-5984 and use access code 4703654. Each line has a limit of 500 callers.** All participants on the conference call will be muted and should not attempt to unmute themselves. Participants should be aware that the conference call will not be connected to the Zoom hearing until oral argument begins, which may not occur precisely at the scheduled time. Participants will hear silence until connected to the Zoom hearing. If there is a technical issue and the conference call is disconnected, Panel staff will attempt to reinitiate the conference call promptly. If this occurs, participants should dial back into the conference call.
- **All recording of the Hearing Session is prohibited.**
- The Panel has allocated argument times for the dockets listed above for oral argument. Counsel who submitted a Notice of Presentation or Waiver of Oral Argument and indicated an intent to present oral argument do not automatically receive argument time. Per Panel practice, argument time will be allocated to avoid multiple counsel presenting argument advocating a common position.
- **All counsel who are allocated argument time must attend one of two Zoom oral argument preparation sessions that the Panel staff will conduct during the week of January 18, 2021, with one exception.** Participation in a preparation session is not mandatory for attorneys who previously argued at a Panel Hearing conducted using Zoom and attended a preparation session. Those counsel, though, are welcome to attend a preparation session for this hearing. The purpose of these sessions is to: (a) ensure that counsel are technologically prepared to participate in the videoconference; (b) inform counsel how the Panel intends to conduct oral argument; and (c) inform counsel of the procedures and protocols they will be expected to follow during the videoconference.
- Panel staff will email counsel who filed a Notice of Presentation or Waiver of Oral Argument and indicated an intent to present oral argument: (a) the dates and times of the Zoom oral argument preparation sessions; (b) login information for those sessions; (c) additional information regarding the conduct of oral argument during the videoconference; and (d) the Panel's allocation of argument times.
- If counsel wish to make a substitution, either as to counsel designated to argue on behalf of a particular party or with respect to a position advocated by multiple parties, counsel must file a Notice of Substitution no later than **January 14, 2021**. After that date, no substitutions will be permitted absent extraordinary circumstances.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "John W. Nichols". The signature is stylized with a large initial "J" and a long horizontal stroke extending to the right.

John W. Nichols  
Clerk of the Panel

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: ZANTAC (RANITIDINE) PRODUCTS  
LIABILITY LITIGATION**

Hawkins v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,)  
N.D. Illinois, C.A. No. 1:20-06509 )

MDL No. 2924

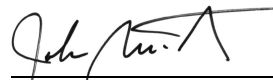
**ORDER VACATING CONDITIONAL TRANSFER ORDER  
AND VACATING THE JANUARY 28, 2021, HEARING SESSION ORDER**

A conditional transfer order was filed in this action (*Hawkins*) on November 5, 2020. Prior to expiration of that order's 7-day stay of transmittal, plaintiff in *Hawkins* filed a notice of opposition to the proposed transfer and her motion and brief to vacate the conditional transfer order. The Panel has now been informed that *Hawkins* was remanded to the Circuit Court of Cook County, Illinois, by the Honorable Joan H. Lefkow in an order filed on January 19, 2021.

IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-42" filed on November 5, 2020, is VACATED.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on December 15, 2020, are VACATED insofar as they relate to this matter.

FOR THE PANEL:



John W. Nichols  
Clerk of the Panel

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: MIDLAND CREDIT MANAGEMENT,  
INC., TELEPHONE CONSUMER PROTECTION  
ACT (TCPA) LITIGATION**

Arora v. Midland Credit Management, Inc. et al., )  
S.D. California, C.A. No. 3:15-01712 )  
(N.D. Illinois, C.A. No. 1:15-06109) )

MDL No. 2286

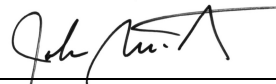
**ORDER LIFTING STAY OF CONDITIONAL REMAND ORDER  
AND VACATING THE JANUARY 28, 2021, HEARING SESSION ORDER**

A conditional remand order was filed in the above-listed action (*Arora*) on November 23, 2020. Prior to expiration of that order's 7-day stay of transmittal, plaintiff in *Arora* filed a notice of opposition to the proposed remand. The Panel has now been advised that plaintiff has withdrawn his opposition to remand.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional remand order filed on November 23, 2020, is LIFTED insofar as it relates to this action. The action is remanded to the Northern District of Illinois.

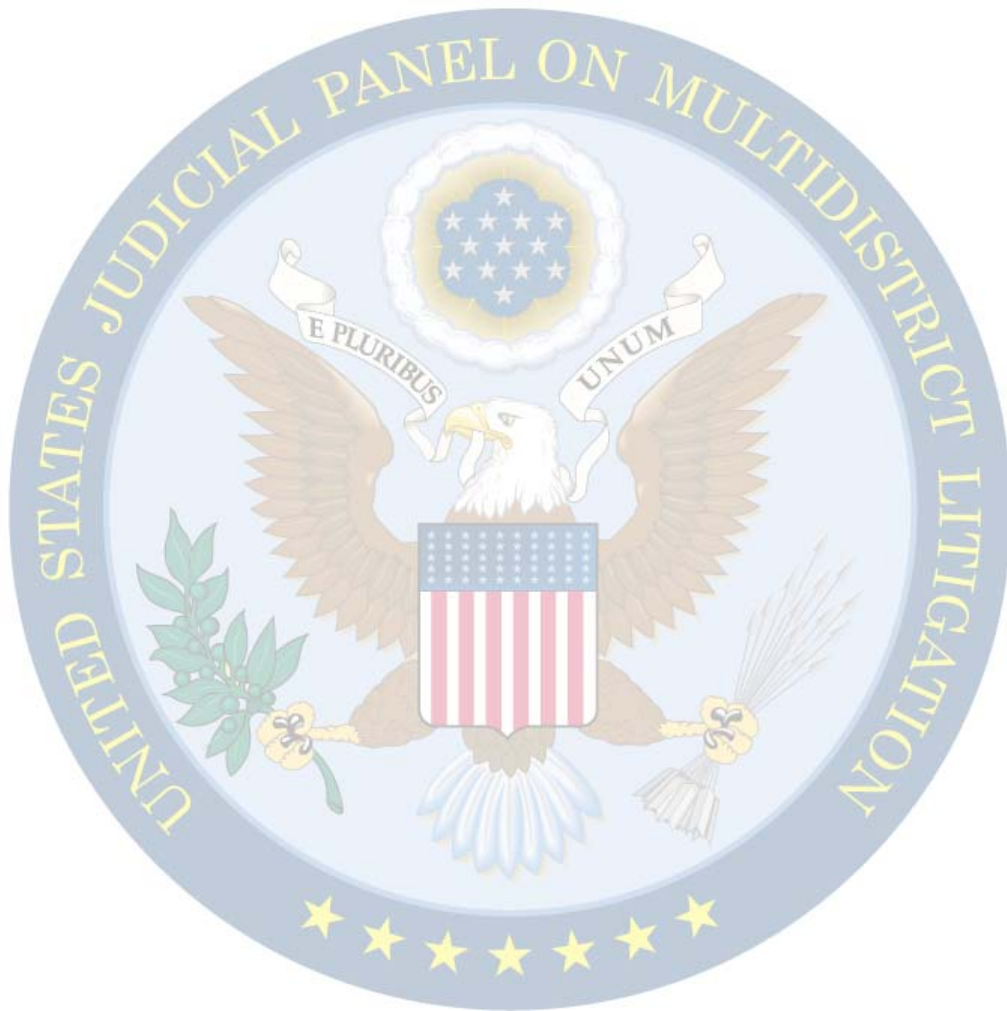
IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on December 15, 2020, are VACATED insofar as they relate to this matter.

FOR THE PANEL:



John W. Nichols  
Clerk of the Panel

# Hearing Session Order & Amendments



March 25, 2021

**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 25, 2021**

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

TIME OF HEARING SESSION: **11:00 a.m.**

SCHEDULED MATTERS: Matters scheduled for consideration at this hearing session are listed on the enclosed Hearing Session Order and Schedule of Matters for Hearing Session.

- Section A of this Schedule lists the matters designated for oral argument **by videoconference or teleconference** and includes all actions encompassed by Motion(s) for transfer filed pursuant to Rules 6.1 and 6.2 and Orders to Show Cause filed pursuant to Rule 8.1(a). Any party waiving oral argument pursuant to Rule 11.1(d) need not participate in the Hearing Session videoconference or teleconference.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 11.1(c). Parties and counsel involved in these matters need not participate in the Hearing Session.

ORAL ARGUMENT:

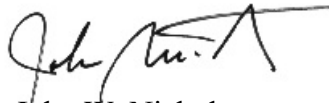
- **THE PANEL WILL HEAR ORAL ARGUMENT BY VIDEOCONFERENCE OR TELECONFERENCE.** Further details regarding how the Hearing Session will be conducted—including sign-in information, allocation of argument times, and a mandatory training session for arguing attorneys—shall be provided after the filing of the parties' Notices of Presentation or Waiver of Oral Argument. Note that the training session is not mandatory for attorneys who previously have attended a training session.

- 2 -

- 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.
- 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 1, 2021**. 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 "John W. Nichols", with a long horizontal flourish extending to the right.

John W. Nichols  
Clerk of the Panel



UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**HEARING SESSION ORDER**

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

IT IS ORDERED that on March 25, 2021, the Panel will convene a hearing session in Washington, DC, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

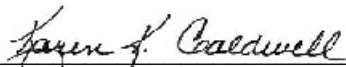
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that, in light of the ongoing COVID-19 pandemic, the Panel will hear oral argument on the matters listed on Section A of the attached Schedule **by videoconference or teleconference**, unless the parties waive oral argument or unless the Panel later decides to dispense with oral argument pursuant to Panel Rule 11.1(c).

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

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

PANEL ON MULTIDISTRICT LITIGATION



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Karen K. Caldwell

Chair

Catherine D. Perry	Nathaniel M. Gorton
Matthew F. Kennelly	David C. Norton
Roger T. Benitez	Dale A. Kimball

SCHEDULE OF MATTERS FOR HEARING SESSION  
March 25, 2021 -- Washington, DC

**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. 2984 – IN RE: FOLGERS COFFEE MARKETING AND SALES PRACTICES LITIGATION**

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

Central District of California

TAN v. THE FOLGER COFFEE COMPANY, ET AL., C.A. No. 2:20-09370  
ASHTON, ET AL. v. THE J.M. SMUCKER COMPANY, ET AL., C.A. No. 5:20-00992

Southern District of Florida

SORIN v. THE FOLGER COFFEE COMPANY, C.A. No. 9:20-80897

Northern District of Illinois

MOSER v. THE J.M. SMUCKER COMPANY, ET AL., C.A. No. 1:20-07074

Western District of Missouri

MAWBY v. THE FOLGER COFFEE COMPANY, C.A. No. 4:20-00822

**MDL No. 2985 – IN RE: APPLE INC. APP STORE SIMULATED CASINO-STYLE GAMES LITIGATION**

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

Northern District of Alabama

LARSEN v. APPLE INC., C.A. No. 2:20-01652

District of Connecticut

WORKMAN v. APPLE INC., C.A. No. 3:20-01595

Northern District of Georgia

PAYTON v. APPLE INC., C.A. No. 1:20-04326

Northern District of New York

CUSTODERO v. APPLE INC., C.A. No. 5:20-01320

Southern District of Ohio

MCCLOSKEY v. APPLE INC., C.A. No. 3:20-00434

Western District of Tennessee

VIGLIETTI v. APPLE INC., C.A. No. 2:20-02773

MDL No. 2987 – **IN RE: GENERAL MOTORS LLC CHEVROLET BOLT EV BATTERY  
PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Andres Torres, et al., to transfer the following actions to the United States District Court for the Eastern District of Michigan: or, in the alternative, the United States District Court for the Northern District of Illinois:

Central District of California

PANKOW, ET AL. v. GENERAL MOTORS, LLC, C.A. No. 5:20-02479

Northern District of Illinois

TORRES v. GENERAL MOTORS LLC, C.A. No. 1:20-07109

Eastern District of Michigan

ALTOBELLI, ET AL. v. GENERAL MOTORS LLC, C.A. No. 2:20-13256

RANKIN v. GENERAL MOTORS LLC, C.A. No. 2:20-13279

ZAHARIUDAKIS v. GENERAL MOTORS, LLC, C.A. No. 2:21-10338

MDL No. 2988 – **IN RE: ALL-CLAD METALCRAFTERS, LLC, COOKWARE  
MARKETING AND SALES PRACTICES LITIGATION**

Motion of defendants All-Clad Metalcrafters, LLC, and Groupe SEB USA, Inc., to transfer the following actions to the United States District Court for the Western District of Pennsylvania:

Northern District of California

MEARS v. ALL-CLAD METALCRAFTERS, LLC, ET AL., C.A. No. 3:20-02662

Southern District of Florida

MONTALVO v. ALL-CLAD METALCRAFTERS, LLC, ET AL., C.A. No. 9:20-82384

Northern District of Georgia

MURRAY, ET AL. v. ALL-CLAD METALCRAFTERS, LLC, ET AL.,  
C.A. No. 1:21-00095

District of Massachusetts

EGIDIO v. ALL-CLAD METALCRAFTERS, LLC, ET AL., C.A. No. 1:20-12025

MDL No. 2989 – **IN RE: JANUARY 2021 SHORT SQUEEZE TRADING LITIGATION**

Motion of plaintiffs Shane Cheng, et al., to transfer the following actions to the United States District Court for the Northern District of California:

Central District of California

KAYALI, ET AL. v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 2:21-00835  
GOSSETT, ET AL. v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 2:21-00837  
COBOS v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 2:21-00843

Northern District of California

CEZANA v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 3:21-00759  
CHENG, ET AL. v. ALLY FINANCIAL INC., ET AL., C.A. No. 3:21-00781  
CURIEL-RUTH v. ROBINHOOD SECURITIES LLC, ET AL., C.A. No. 3:21-00829  
MOODY, ET AL. v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 3:21-00861  
DAYS v. ROBINHOOD MARKETS, INC., ET AL., C.A. No. 4:21-00696  
DALTON v. ROBINHOOD SECURITIES, LLC, ET AL., C.A. No. 4:21-00697

KRASOWSKI, ET AL. v. ROBINHOOD FINANCIAL LLC, ET AL.,  
C.A. No. 4:21-00758

KRUMENACKER v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 4:21-00838

WIEG v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 5:21-00693

FEENEY, ET AL. v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 5:21-00833

Southern District of California

NORDEEN, ET AL. v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 3:21-00167

District of Colorado

DANIELS v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 1:21-00290

District of Connecticut

ZIEGLER v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 3:21-00123

FRESA v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 3:21-00134

Middle District of Florida

DIAMOND v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 6:21-00207

SCHAFF v. ROBINHOOD MARKETS, INC., ET AL., C.A. No. 8:21-00216

SCHAFF v. TD AMERITRADE, INC., C.A. No. 8:21-00222

PERRI, ET AL. v. ROBINHOOD MARKETS, INC., ET AL., C.A. No. 8:21-00234

Northern District of Florida

BAIRD v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 4:21-00061

Southern District of Florida

COURTNEY v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 0:21-60220

FRAY v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 0:21-60226

JUNCADELLA v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 1:21-20414

SCALIA v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 9:21-80238

Northern District of Illinois

GATZ v. ROBINHOOD FINANCIAL, LLC, C.A. No. 1:21-00490

KAYALI, ET AL. v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 1:21-00510

LAGMANSON, ET AL. v. ROBINHOOD MARKETS, INC., ET AL.,  
C.A. No. 1:21-00541

CHERRY v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 1:21-00574  
HISCOCK v. TD AMERITRADE, INC., C.A. No. 1:21-00624

District of New Jersey

ZYBURA v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 2:21-01348  
MUNCY v. ROBINHOOD SECURITIES, LLC, ET AL., C.A. No. 2:21-01729  
NOORZAIE v. ROBINHOOD MARKETS, INC., ET AL., C.A. No. 3:21-01361

Southern District of New York

NELSON v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 1:21-00777  
WILLIAMS v. WEBULL FINANCIAL LLC, C.A. No. 1:21-00799

Eastern District of Pennsylvania

MINNICK, ET AL. v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 2:21-00489

Western District of Pennsylvania

OMAHNE v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 3:21-00013

Southern District of Texas

ROSS, ET AL. v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 4:21-00292  
NG, ET AL. v. ROBINHOOD FINANCIAL, LLC, ET AL., C.A. No. 4:21-00311

Eastern District of Virginia

LAVIN v. ROBINHOOD FINANCIAL LLC, ET AL., C.A. No. 1:21-00115

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

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

Opposition of plaintiff Kenneth L. Jackson to transfer of the following action to the United States District Court for the District of Minnesota:

Middle District of Florida

JACKSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,  
C.A. No. 6:20-02219

**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:

Eastern District of Missouri

ST. CLAIR COUNTY, MISSOURI v. ALLERGAN PLC, ET AL., C.A. No. 4:20-01641

Western District of Oklahoma

CITY OF ALTUS v. CEPHALON, INC., ET AL., C.A. No. 5:20-01180  
CITY OF STILLWATER v. CEPHALON, INC., ET AL., C.A. No. 5:20-01269

**MDL No. 2816 – IN RE: SORIN 3T HEATER-COOLER SYSTEM PRODUCTS  
LIABILITY LITIGATION (NO. II)**

Opposition of plaintiffs Thomas Sterling, et al., to transfer of the following action to the United States District Court for the Middle District of Pennsylvania:

Southern District of Texas

STERLING, ET AL. v. LIVANOVA HOLDING USA, INC., C.A. No. 4:20-04071

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

Oppositions of plaintiff Aqua Pennsylvania, Inc., and defendants Daikin America, Inc., and Neo Industries (Weirton), Inc., to transfer of their respective following actions to the United States District Court for the District of South Carolina:

Eastern District of Pennsylvania

AQUA PENNSYLVANIA, INC. v. NATIONAL FOAM, INC., ET AL.,  
C.A. No. 2:21-00056

Northern District of West Virginia

WEIRTON AREA WATER BOARD, ET AL. v. 3M COMPANY, ET AL.,  
C.A. No. 5:20-00102

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

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

District of Minnesota

ALLEN, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02380  
CAVINS, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02408  
ABRAMS, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02419  
BOLOTIN, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02481  
BODEAU, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02506  
BROWN, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:20-02643  
CLERK, ET AL. v. AEARO TECHNOLOGIES LLC, ET AL., C.A. No. 0:20-02691  
BAKER, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21-00100



**MDL No. 2968 – IN RE: GENERALI COVID-19 TRAVEL INSURANCE LITIGATION**

Opposition of plaintiffs Martha Cooper, et al., to transfer of the following action to the United States District Court for the Southern District of New York:

Northern District of California

COOPER, ET AL. v. GENERALI GLOBAL ASSISTANCE, INC., ET AL.,  
C.A. No. 3:20-08569

**MDL No. 2969 – IN RE: ERIE COVID-19 BUSINESS INTERRUPTION PROTECTION  
INSURANCE LITIGATION**

Opposition of plaintiff Steven A. Udesky OD and Associates P.C. to transfer of the following action to the United States District Court for the Western District of Pennsylvania:

Northern District of Illinois

STEVEN A. UDESKY OD AND ASSOCIATES P.C. v. ERIE INSURANCE  
PROPERTY & CASUALTY COMPANY, C.A. No. 1:20-04994

**MDL No. 2972 – IN RE: BLACKBAUD, INC., CUSTOMER DATA SECURITY  
BREACH LITIGATION**

Opposition to transfer and motion for separation and remand of defendant President and Fellows of Harvard College and opposition of plaintiff Brian Peterson and defendant Allina Health System to transfer of their respective following actions to the United States District Court for the District of South Carolina:

District of Minnesota

PETERSON v. ALLINA HEALTH SYSTEM, ET AL., C.A. No. 0:20-02275

Western District of Washington

COHEN v. BLACKBAUD, INC., ET AL., C.A. No. 2:20-01388

MDL No. 2974 – **IN RE: PARAGARD IUD PRODUCTS LIABILITY LITIGATION**

Opposition of defendants Teva Pharmaceuticals USA, Inc.; Teva Women’s Health, Inc., Teva Women’s Health, LLC; Teva Branded Pharmaceutical Products R&D, Inc.; The Cooper Companies, Inc.; and CooperSurgical, Inc., to transfer of the following actions to the United States District Court for the Northern District of Georgia:

Eastern District of New York

MILLER v. TEVA PHARMACEUTICALS USA, INC., ET AL., C.A. No. 1:20-06217

Northern District of West Virginia

SIGLEY v. TEVA PHARMACEUTICALS, USA, INC., ET AL., C.A. No. 1:20-00257

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.

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**SUPPLEMENTAL NOTICE OF HEARING SESSION**

Pursuant to the order of the United States Judicial Panel on Multidistrict Litigation filed on February 17, 2021, supplemental notice is hereby given regarding the March 25, 2021, hearing session scheduled to consider various matters under 28 U.S.C. § 1407.

**ORAL ARGUMENT:**

- **THE PANEL WILL HEAR ORAL ARGUMENT BY VIDEOCONFERENCE USING THE ZOOM MEETING APP.** Oral argument will begin at **11:00 a.m.** (All times are Eastern Daylight Time.) The Panel will hear argument in the following dockets, in the following order, at this session:

MDL NO. 2984 – IN RE: FOLGERS COFFEE MARKETING AND SALES PRACTICES LITIGATION

MDL NO. 2985 – IN RE: APPLE INC. APP STORE SIMULATED CASINO-STYLE GAMES LITIGATION

MDL NO. 2987 – IN RE: GENERAL MOTORS LLC CHEVROLET BOLT EV BATTERY PRODUCTS LIABILITY LITIGATION

MDL NO. 2988 – IN RE: ALL-CLAD METALCRAFTERS, LLC, COOKWARE MARKETING AND SALES PRACTICES LITIGATION

MDL NO. 2989 – IN RE: JANUARY 2021 SHORT SQUEEZE TRADING LITIGATION

- The use of videoconference technology for presentation of oral argument is not normal Panel practice. In light of the ongoing COVID-19 pandemic, the Panel and Panel staff are making the time- and resource-intensive arrangements necessary to conduct a virtual hearing in an efficient and effective manner. The Panel plans to return to its practice of in-person hearings when it becomes practicable to do so. **To ensure the manageability of the Zoom hearing, only counsel presenting oral argument will be provided access to the videoconference during the designated time[s].** If the Panel decides to continue argument in one or more dockets to an “afternoon session,” counsel presenting argument at the morning session should not sign into the afternoon session unless counsel is presenting argument in a docket that has been continued from the morning session.

- A transcript of the oral argument will be filed in each docket when it becomes available. Parties who wish to order a transcript may do so by completing a transcript request form at <https://www.dcd.uscourts.gov/content/request-transcript> and selecting Bryan Wayne as the court reporter.
- **Non-arguing counsel, members of the press, and the general public may access live audio of the oral argument by dialing (888) 204-5984 and using access code 4703654. If they cannot connect to the argument using that number and code, they should dial (877) 411-9748 and use access code 1892547. Each line has a limit of 500 callers.** All participants on the conference call will be muted and should not attempt to unmute themselves. Participants should be aware that the conference call will not be connected to the Zoom hearing until oral argument begins, which may not occur precisely at the scheduled time. Participants will hear silence until connected to the Zoom hearing. If there is a technical issue and the conference call is disconnected, Panel staff will attempt to reinitiate the conference call promptly. If this occurs, participants should dial back into the conference call.
- **All recording of the Hearing Session is prohibited.**
- The Panel has allocated argument times for the dockets listed above for oral argument. Counsel who submitted a Notice of Presentation or Waiver of Oral Argument and indicated an intent to present oral argument do not automatically receive argument time. Per Panel practice, argument time will be allocated to avoid multiple counsel presenting argument advocating a common position.
- **All counsel who are allocated argument time must attend one of three Zoom oral argument preparation sessions that the Panel staff will conduct during the week of March 15, 2021, with one exception.** Participation in a preparation session is not mandatory for attorneys who previously argued at a Panel Hearing conducted using Zoom and attended a preparation session. Those counsel, though, are welcome to attend a preparation session for this hearing. The purpose of these sessions is to: (a) ensure that counsel are technologically prepared to participate in the videoconference; (b) inform counsel how the Panel intends to conduct oral argument; and (c) inform counsel of the procedures and protocols they will be expected to follow during the videoconference.
- Panel staff will email counsel who filed a Notice of Presentation or Waiver of Oral Argument and indicated an intent to present oral argument: (a) the dates and times of the Zoom oral argument preparation sessions; (b) login information for those sessions; (c) additional information regarding the conduct of oral argument during the videoconference; and (d) the Panel's allocation of argument times.
- If counsel wish to make a substitution, either as to counsel designated to argue on behalf of a particular party or with respect to a position advocated by multiple parties, counsel must file a Notice of Substitution no later than **March 11, 2021**. After that date, no substitutions will be permitted absent extraordinary circumstances.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "John W. Nichols". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

John W. Nichols  
Clerk of the Panel

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**FIRST AMENDMENT TO THE HEARING SESSION ORDER  
AND ATTACHED SCHEDULE FILED FEBRUARY 17, 2021**

IT IS ORDERED that the Hearing Session Order and attached Schedule filed by the United States Judicial Panel on Multidistrict Litigation on February 17, 2021, are amended to add the following action on Schedule B (matters designated for consideration without oral argument) of the Schedule for the hearing session on March 25, 2021, in Washington, DC.

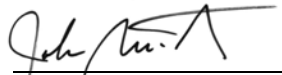
**MDL No. 2741 - IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION**

Defendant's motion for reconsideration of the Panel's transfer of the following action to the United States District Court for the Northern District of California:

Eastern District of Missouri

National Black Farmers Association v. Monsanto Company, C.A. No. 4:20-01145

FOR THE PANEL:

  
\_\_\_\_\_  
John W. Nichols  
Clerk of the Panel

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: AQUEOUS FILM-FORMING FOAMS  
PRODUCTS LIABILITY LITIGATION**

Weirton Area Water Board, et al. v. 3M Company, et al., )  
N.D. West Virginia, C.A. No. 5:20-00102 )

MDL No. 2873

**ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER  
AND VACATING THE MARCH 25, 2021, HEARING SESSION ORDER**

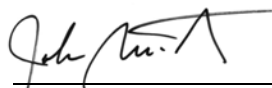
A conditional transfer order was filed in this action (*Weirton*) on January 21, 2021. Prior to expiration of that order's 7-day stay of transmittal, defendants Daikin America, Inc., and NEO Industries (Weirton), Inc., filed notices of opposition to the proposed transfer. Defendant Daikin America, Inc., later filed a motion and brief to stay the conditional transfer order. The Panel has now been advised that the two opposing defendants were dismissed from this action in the Northern District of West Virginia, on February 16, 2021.

IT IS THEREFORE ORDERED that the oppositions to the conditional transfer order are deemed moot.

IT IS FURTHER ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-44" filed on January 21, 2021, is LIFTED. The action is transferred to the District of South Carolina for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Richard M. Gergel.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on February 17, 2021, are VACATED insofar as they relate to this action.

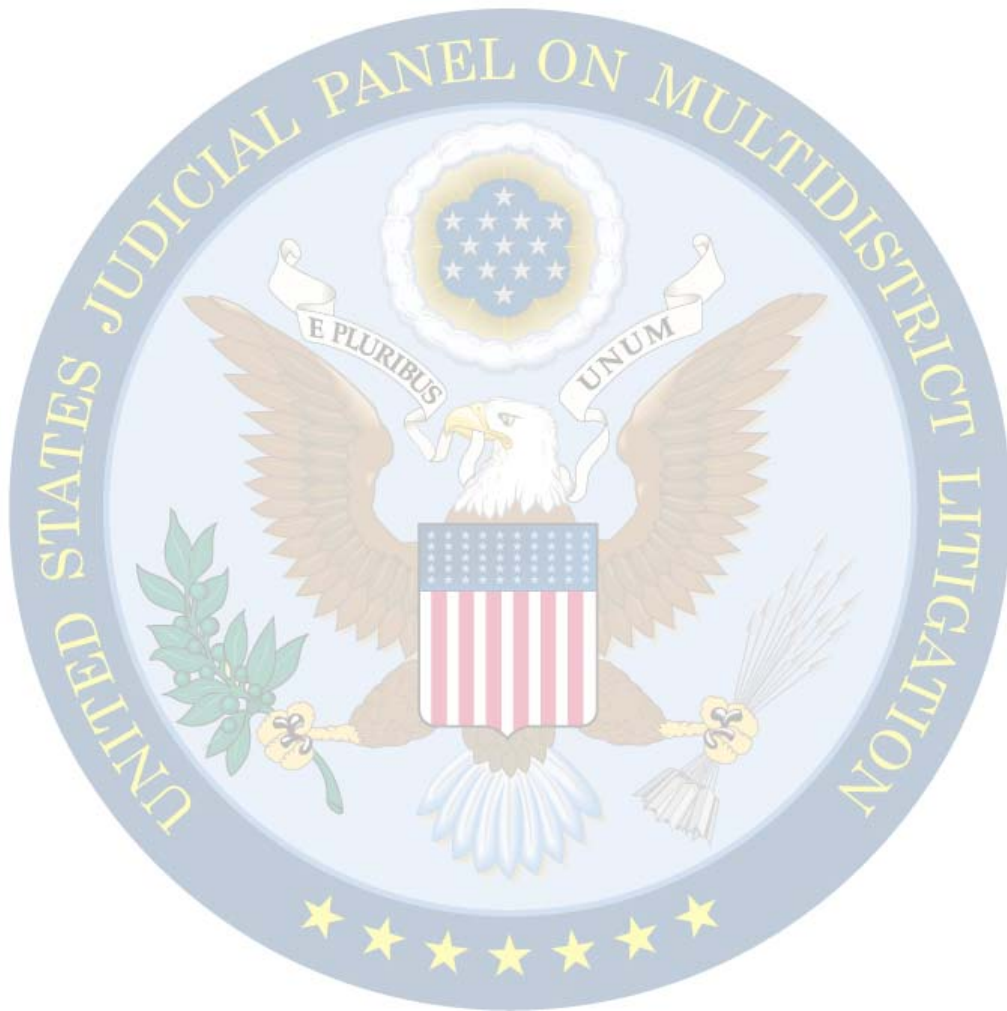
FOR THE PANEL:



John W. Nichols  
Clerk of the Panel



# Hearing Session Order & Amendments



May 27, 2021

**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 27, 2021**

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

TIME OF HEARING SESSION: **11:00 a.m.**

SCHEDULED MATTERS: Matters scheduled for consideration at this hearing session are listed on the enclosed Hearing Session Order and Schedule of Matters for Hearing Session.

- Section A of this Schedule lists the matters designated for oral argument **by videoconference or teleconference** and includes all actions encompassed by Motion(s) for transfer filed pursuant to Rules 6.1 and 6.2 and Orders to Show Cause filed pursuant to Rule 8.1(a). Any party waiving oral argument pursuant to Rule 11.1(d) need not participate in the Hearing Session videoconference or teleconference.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 11.1(c). Parties and counsel involved in these matters need not participate in the Hearing Session.

ORAL ARGUMENT:

- **THE PANEL WILL HEAR ORAL ARGUMENT BY VIDEOCONFERENCE OR TELECONFERENCE.** Further details regarding how the Hearing Session will be conducted—including sign-in information, allocation of argument times, and a mandatory training session for arguing attorneys—shall be provided after the filing of the parties' Notices of Presentation or Waiver of Oral Argument. Note that the training session is not mandatory for attorneys who previously have attended a training session.

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- 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.
- 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 3, 2021**. 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 "John W. Nichols", with a long horizontal flourish extending to the right.

John W. Nichols  
Clerk of the Panel

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**HEARING SESSION ORDER**

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

IT IS ORDERED that on May 27, 2021, the Panel will convene a hearing session in Washington, DC, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

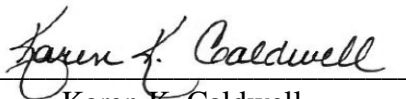
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that, in light of the ongoing COVID-19 pandemic, the Panel will hear oral argument on the matters listed on Section A of the attached Schedule **by videoconference or teleconference**, unless the parties waive oral argument or unless the Panel later decides to dispense with oral argument pursuant to Panel Rule 11.1(c).

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

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

PANEL ON MULTIDISTRICT LITIGATION



Karen K. Caldwell

Chair

Catherine D. Perry	Nathaniel M. Gorton
Matthew F. Kennelly	David C. Norton
Roger T. Benitez	Dale A. Kimball

SCHEDULE OF MATTERS FOR HEARING SESSION  
May 27, 2021 -- Washington, DC

**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. 2990 – IN RE: PALBOCICLIB ('730) PATENT LITIGATION (NO. II)**

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. ALEMBIC PHARMACEUTICALS, INC., ET AL.,  
C.A. No. 1:20–01392  
PFIZER INC., ET AL. v. CIPLA USA INC., ET AL., C.A. No.1:20–01393  
PFIZER INC., ET AL. v. ZYDUS PHARMACEUTICALS (USA) INC., ET AL.,  
C.A. No. 1:20–01396  
PFIZER INC., ET AL. v. SUN PHARMACEUTICAL INDUSTRIES, LTD., ET AL.  
C.A. No. 1:20–01407  
PFIZER INC., ET AL. v. AUROBINDO PHARMA, LTD., ET AL., C.A. No. 1:20–01528  
PFIZER INC., ET AL. v. DR. REDDY'S LABORATORIES, INC., ET AL.,  
C.A. No. 1:20–01530  
PFIZER INC., ET AL. v. AIZANT DRUG RESEARCH SOLUTIONS PVT. LTD.,  
C.A. No. 1:21–00034  
PFIZER INC., ET AL. v. NATCO PHARMA, INC., ET AL., C.A. No.1:21–00078  
PFIZER INC., ET AL. v. MSN PHARMACEUTICALS INC., ET AL.,  
C.A. No. 1:21–00139

Northern District of West Virginia

PFIZER INC., ET AL. v. MYLAN PHARMACEUTICALS INC., ET AL.,  
C.A. No. 1:20–00244

**MDL No. 2992 – IN RE: BANK OF AMERICA CALIFORNIA UNEMPLOYMENT  
BENEFITS LITIGATION**

Motion of plaintiff Jennifer Yick to transfer the following actions to the United States District Court for the Northern District of California:

Central District of California

CHONG, ET AL. v. BANK OF AMERICA, N.A., C.A. No. 2:20–10052  
ZOELLE, ET AL. v. BANK OF AMERICA, N.A., ET AL., C.A. No. 2:21–00518

Eastern District of California

WIGGINS v. BANK OF AMERICA, N.A., C.A. No. 2:21–00319

Northern District of California

YICK v. BANK OF AMERICA, N.A., C.A. No. 3:21–00376  
RODRIGUEZ v. BANK OF AMERICA, N.A., C.A. No. 3:21–00494  
WILLRICH v. BANK OF AMERICA, N.A., C.A. No. 3:21–00547  
MCCLURE v. BANK OF AMERICA, N.A., C.A. No. 3:21–00572  
OOSTHUIZEN, ET AL. v. BANK OF AMERICA, N.A., C.A. No. 3:21–00615  
WILSON v. BANK OF AMERICA, N.A., C.A. No. 3:21–00699  
MOSSON v. BANK OF AMERICA, N.A., C.A. No. 3:21–00743  
CAJAS v. BANK OF AMERICA, N.A., C.A. No. 3:21–00869

**MDL No. 2993 – IN RE: CROP INPUTS ANTITRUST LITIGATION**

Motion of plaintiffs Barbara Piper, et al., to transfer the following actions to the United States District Court for the Southern District of Illinois:

Southern District of Illinois

PIPER v. BAYER CROPS SCIENCE LP, ET AL., C.A. No. 3:21–00021  
SWANSON v. BAYER CROPS SCIENCE LP, ET AL., C.A. No. 3:21–00046  
LEX v. BAYER CROPS SCIENCE LP, ET AL., C.A. No. 3:21–00122  
DUNCAN v. BAYER CROPS SCIENCE LP, ET AL., C.A. No. 3:21–00158  
JONES PLANTING CO. III v. BAYER CROPS SCIENCE LP, ET AL.,  
C.A. No. 3:21–00173

CANJAR v. BAYER CROPSCIENCE LP, ET AL., C.A. No. 3:21-00181  
VIENNA EQHO FARMS v. BAYER CROPSCIENCE, INC., ET AL.,  
C.A. No. 3:21-00204

District of Kansas

BUDDE v. SYNGENTA CORPORATION, ET AL., C.A. No. 2:21-02095

District of Minnesota

HANDWERK v. BAYER CROPSCIENCE LP, ET AL., C.A. No. 0:21-00351  
FLATEN v. BAYER CROPSCIENCE LP, ET AL., C.A. No. 0:21-00404  
RYAN BROS., INC., ET AL. v. BAYER CROPSCIENCE LP, ET AL.,  
C.A. No. 0:21-00433  
PFAFF v. BAYER CROPSCIENCE LP, ET AL., C.A. No. 0:21-00462  
CARLSON v. BAYER CROPSCIENCE LP, ET AL., C.A. No. 0:21-00475

**MDL No. 2994 – IN RE: MEDNAX SERVICES, INC., CUSTOMER DATA SECURITY  
BREACH LITIGATION**

Motion of defendants Mednax Services, Inc.; Mednax, Inc.; Pediatrix Medical Group, Inc.; and  
Pediatrix Medical Group of Kansas, P.C. to transfer the following actions to the United States District  
Court for the Southern District of Florida:

Southern District of California

RUMELY, ET AL. v. MEDNAX, INC., ET AL., C.A. No. 3:21-00152

Southern District of Florida

DAVIS v. MEDNAX SERVICES, INC., C.A. No. 0:21-60347  
COHEN v. MEDNAX SERVICES, INC., C.A. No. 1:21-20375

Western District of Missouri

A.W. v. PEDIATRIX MEDICAL GROUP OF KANSAS, P.C., C.A. No. 4:21-00119

District of South Carolina

NIELSEN, ET AL. v. MEDNAX, INC., ET AL., C.A. No. 4:21-00500

MDL No. 2995 – **IN RE: ALLIANZ STRUCTURED ALPHA FUNDS LITIGATION**

Motion of plaintiff The Board of Trustees of the San Diego County Construction Laborers' Pension Trust Fund to transfer the following actions to the United States District Court for the Southern District of New York:

Southern District of California

BOARD OF TRUSTEES OF THE SAN DIEGO COUNTY CONSTRUCTION  
LABORERS' PENSION TRUST FUND v. ALLIANZ GLOBAL INVESTORS U.S. LLC,  
C.A. No. 3:21-00345

Southern District of New York

ARKANSAS TEACHER RETIREMENT SYSTEM v. ALLIANZ GLOBAL  
INVESTORS U.S. LLC, ET AL., C.A. No. 1:20-05615  
RETIREMENT PROGRAM FOR EMPLOYEES OF THE TOWN OF FAIRFIELD,  
ET AL. v. ALLIANZ GLOBAL INVESTORS U.S. LLC, C.A. No. 1:20-05817  
LEHIGH UNIVERSITY v. ALLIANZ GLOBAL INVESTORS U.S. LLC, ET AL.,  
C.A. No. 1:20-07061  
TEAMSTER MEMBERS RETIREMENT PLAN v. ALLIANZ GLOBAL INVESTORS  
U.S. LLC, ET AL., C.A. No. 1:20-07154  
BLUE CROSS BLUE SHIELD ASSOCIATION NATIONAL EMPLOYEE BENEFITS  
COMMITTEE v. ALLIANZ GLOBAL INVESTORS U.S. LLC, ET AL.,  
C.A. No. 1:20-07606  
METROPOLITAN TRANSPORTATION AUTHORITY DEFINED BENEFIT PENSION  
PLAN MASTER TRUST, ET AL. v. ALLIANZ GLOBAL INVESTORS U.S.LLC,  
ET AL., C.A. No. 1:20-07842  
CHICAGO AREA I.B. OF T. PENSION PLAN & TRUST, ET AL. v. ALLIANZ  
GLOBAL INVESTORS U.S. LLC, ET AL., C.A. No. 1:20-07952  
THE EMPLOYEES RETIREMENT SYSTEM OF THE CITY OF MILWAUKEE v.  
ALLIANZ GLOBAL INVESTORS U.S. LLC, ET AL., C.A. No. 1:20-08642  
CHICAGO & VICINITY LABORERS DISTRICT COUNCIL PENSION FUND AND  
CHICAGO & VICINITY LABORERS DISTRICT COUNCIL HEALTH &  
WELFARE FUND, ET AL. v. ALLIANZ SE, ET AL., C.A. No. 1:20-09478  
THE BOARDS OF TRUSTEES FOR THE CARPENTERS HEALTH AND SECURITY  
TRUST OF WESTERN WASHINGTON AND FOR THE GROUP INVESTMENT  
TRUST OF THE CARPENTERS INDIVIDUAL ACCOUNT PENSION TRUST OF  
WESTERN WASHINGTON, ET AL. v. ALLIANZ SE, ET AL., C.A. No. 1:20-09479



UNITED FOOD & COMMERCIAL WORKERS UNION–EMPLOYER PENSION  
FUND, AND ITS TRUSTEES v. ALLIANZ GLOBAL INVESTORS U.S. LLC,  
ET AL., C.A. No. 1:20–09587  
BOARD OF TRUSTEES OF THE INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL NO. 38 PENSION FUND PENSION PLAN v.  
ALLIANZ GLOBAL INVESTORS U.S. LLC, ET AL., C.A. No. 1:20–10028  
BLUE CROSS AND BLUE SHIELD ASSOCIATION v. ALLIANZ GLOBAL  
INVESTORS U.S. LLC, C.A. No. 1:20–10848  
MARCO CONSULTING GROUP TRUST I v. ALLIANZ GLOBAL INVESTORS U.S.  
LLC, ET AL., C.A. No. 1:21–00401  
UNIVERSITY HEALTH, INC., ET AL. v. ALLIANZ GLOBAL INVESTORS U.S. LLC,  
ET AL., C.A. No. 1:21–01485

MDL No. 2996 – **IN RE: MCKINSEY & COMPANY, INC., NATIONAL PRESCRIPTION  
OPIATE CONSULTANT LITIGATION**

Motion of defendants McKinsey & Company, Inc.; McKinsey & Company, Inc. United States;  
and McKinsey & Company, Inc. Washington D.C., to transfer the following actions to the United  
States District Court for the Southern District of New York:

Southern District of Florida

THE CITY OF PEMBROKE PINES, FLORIDA v. MCKINSEY & COMPANY, INC.,  
C.A. No. 0:21–60305

Southern District of Illinois

ST. CLAIR COUNTY, ILLINOIS v. MCKINSEY & COMPANY, INC., ET AL.,  
C.A. No. 3:21–00251  
MADISON COUNTY, ILLINOIS v. MCKINSEY & COMPANY, INC., ET AL.,  
C.A. No. 3:21–00254

Western District of Kentucky

GREEN COUNTY FISCAL COURT, ET AL. v. MCKINSEY & COMPANY, INC.  
UNITED STATES, ET AL., C.A. No. 1:21–00035

Eastern District of New York

THE COUNTY OF GENESEE, ET AL. v. MCKINSEY & COMPANY, INC.,  
C.A. No. 2:21–01039

Northern District of Ohio

YUROK TRIBE v. MCKINSEY & COMPANY, INC., C.A. No. 1:21-45026  
HOOPA VALLEY TRIBE v. MCKINSEY & COMPANY, INC., C.A. No. 1:21-45027  
KENAITZE INDIAN TRIBE, ET AL. v. MCKINSEY & COMPANY, INC.,  
C.A. No. 1:21-45028  
FEATHER RIVER TRIBAL HEALTH, INC., ET AL. v. MCKINSEY & COMPANY,  
INC., C.A. No. 1:21-45032  
SWINOMISH INDIAN TRIBAL COMMUNITY v. MCKINSEY & COMPANY, INC.,  
C.A. No. 1:21-45033  
MONTGOMERY COUNTY OHIO, ET AL. v. MCKINSEY & COMPANY, INC.,  
C.A. No. 1:21-45037

Western District of Oklahoma

CITIZEN POTTAWATOMIE NATION v. MCKINSEY & COMPANY, INC.,  
C.A. No. 5:21-00170  
CITY OF SHAWNEE, ET AL. v. MCKINSEY & COMPANY, INC., C.A. No. 5:21-00174  
BOARD OF COUNTY COMMISSIONERS OF KAY COUNTY, ET AL. v. MCKINSEY  
& COMPANY, INC., C.A. No. 5:21-00176

Western District of Washington

KING COUNTY v. MCKINSEY & COMPANY, INC. UNITED STATES, ET AL.,  
C.A. No. 2:21-00221  
SKAGIT COUNTY v. MCKINSEY & COMPANY, INC. UNITED STATES, ET AL.,  
C.A. No. 2:21-00226

Southern District of West Virginia

THE COUNTY COMMISSION OF MINGO COUNTY, ET AL. v. MCKINSEY &  
COMPANY, INC., C.A. No. 2:21-00079

MDL No. 2997 – **IN RE: BABY FOOD MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Lori-Anne Albano, et al., to transfer the following actions to the United States District Court for the Eastern District of New York:

Central District of California

ROBBINS v. GERBER PRODUCTS COMPANY, ET AL., C.A. No. 2:21–01457

Northern District of California

GULKAROV v. PLUM, PBC, C.A. No. 4:21–00913

MCKEON, ET AL. v. PLUM, PBC, ET AL., C.A. No. 4:21–01113

Northern District of Illinois

GARCES v. GERBER PRODUCTS CO., ET AL., C.A. No. 1:21–00719

District of Kansas

JOHNSON, ET AL. v. BEECH–NUT NUTRITION COMPANY, ET AL.,  
C.A. No. 2:21–02096

Western District of Missouri

SMITH, ET AL. v. THE HAIN CELESTIAL GROUP, INC., C.A. No. 4:21–00129

District of New Jersey

SMID v. CAMPBELL SOUP COMPANY, ET AL., C.A. No. 1:21–02417

SHEPARD, ET AL. v. GERBER PRODUCTS COMPANY, C.A. No. 2:21–01977

MOORE v. GERBER PRODUCTS COMPANY, C.A. No. 2:21–02516

CANTOR, ET AL. v. GERBER PRODUCTS COMPANY, C.A. No. 2:21–03402

Eastern District of New York

WALLS, ET AL. v. BEECH-NUT NUTRITION COMPANY, ET AL.,  
C.A. No. 1:21-00870  
STEWART, ET AL. v. HAIN CELESTIAL GROUP, INC., C.A. No. 2:21-00678  
BREDBERG, ET AL. v. THE HAIN CELESTIAL GROUP, INC., C.A. No. 2:21-00758  
MAYS v. HAIN CELESTIAL GROUP, INC., C.A. No. 2:21-00805  
BOYD v. HAIN CELESTIAL GROUP, INC., C.A. No. 2:21-00884  
MCKEON, ET AL. v. HAIN CELESTIAL GROUP, C.A. No. 2:21-00938  
BAUMGARTEN v. THE HAIN CELESTIAL GROUP, INC., C.A. No. 2:21-00944  
WILLOUGHBY v. HAIN CELESTIAL GROUP, C.A. No. 2:21-00970  
LOPEZ-SANCHEZ v. THE HAIN CELESTIAL GROUP, INC., C.A. No. 2:21-01045  
ZORRILLA v. HAIN CELESTIAL GROUP, INC., C.A. No. 2:21-01062  
GALLOWAY v. HAIN CELESTIAL GROUP, INC., C.A. No. 2:21-01067  
BACCARI, ET AL. v. HAIN CELESTIAL GROUP, INC., C.A. No. 2:21-01076  
ALBANO, ET AL. v. HAIN CELESTIAL GROUP, INC., ET AL., C.A. No. 2:21-01118

Northern District of New York

THOMAS, ET AL. v. BEECH-NUT NUTRITION COMPANY, C.A. No. 1:21-00133  
PEEK v. BEECH-NUT NUTRITION COMPANY, C.A. No. 1:21-00167  
MOORE, ET AL. v. BEECH-NUT NUTRITION COMPANY, C.A. No. 1:21-00183  
DOYLE v. BEECH-NUT NUTRITION CO., C.A. No. 1:21-00186  
BOYD v. BEECH-NUT NUTRITION COMPANY, C.A. No. 1:21-00200  
CANTOR, ET AL. v. BEECH-NUT NUTRITION COMPANY, C.A. No. 1:21-00213  
HENRY v. BEECH-NUT NUTRITION CO., C.A. No. 1:21-00227  
MOTHERWAY v. BEECH-NUT NUTRITION COMPANY, C.A. No. 1:21-00229  
GANCARZ v. BEECH-NUT NUTRITION COMPANY, C.A. No. 1:21-00258

Southern District of New York

STEWART, ET AL. v. NURTURE, INC., C.A. No. 1:21-01217  
SOTO v. NURTURE, INC., C.A. No. 1:21-01271  
JAIN v. NURTURE, INC., C.A. No. 1:21-01473  
SMITH v. NURTURE, INC., C.A. No. 1:21-01534  
HAMPTON, ET AL. v. NURTURE, INC., C.A. No. 1:21-01882

Eastern District of Virginia

KEETER v. GERBER PRODUCTS COMPANY, C.A. No. 1:21-00269  
MOORE v. GERBER PRODUCTS COMPANY, C.A. No. 1:21-00277

**MDL No. 2998 – IN RE: PORK DIRECT AND INDIRECT PURCHASER ANTITRUST LITIGATION**

Motion of plaintiffs Sysco Corporation and Cheney Brothers, Inc., to transfer the following actions to the United States District Court for the Southern District of Texas or, in the alternative, the United States District Court for the District of Minnesota:

Southern District of Florida

CHENEY BROTHERS, INC. v. AGRI STATS, INC., ET AL., C.A. No. 9:21–80424

Southern District of Texas

SYSCO CORPORATION v. AGRI STATS, INC., ET AL., C.A. No. 4:21–00773

**MDL No. 2999 – IN RE: ACTHAR GEL ANTITRUST LITIGATION**

Motion of plaintiffs City of Rockford, Steamfitters Local Union No. 420, United Association of Plumbers & Pipefitters Local 322 of Southern New Jersey, Acument Global Technologies, and International Union of Operating Engineers Local 542 to transfer the following actions to the United States District Court for the Northern District of Illinois:

Central District of California

HUMANA, INC. v. MALLINCKRODT ARD LLC, ET AL., C.A. No. 2:19–06926

Northern District of California

HEALTH CARE SERVICE CORP. v. MALLINCKRODT ARD LLC, ET AL.,  
C.A. No. 3:21–00165

Northern District of Georgia

CITY OF MARIETTA v. MALLINCKRODT ARD LLC, C.A. No. 1:20–00552

Northern District of Illinois

CITY OF ROCKFORD v. MALLINCKRODT ARD, INC., ET AL., C.A. No. 3:17–50107  
MSP RECOVERY CLAIMS, SERIES LLC, ET AL. v. MALLINCKRODT ARD INC.,  
ET AL., C.A. No. 3:20–50056

District of New Jersey

UNITED ASSOCIATION OF PLUMBERS & PIPEFITTERS LOCAL 322 OF  
SOUTHERN NEW JERSEY v. MALLINCKRODT ARD, LLC, ET AL.,  
C.A. No. 1:20-00188

Eastern District of Pennsylvania

STRUNCK, ET AL. v. QUESTCOR PHARMACEUTICALS, INC., C.A. No. 2:12-00175  
STEAMFITTERS LOCAL UNION NO. 420 v. MALLINCKRODT ARD, LLC, ET AL.,  
C.A. No. 2:19-03047  
INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 542 v.  
MALLINCKRODT ARD, INC. ET AL., C.A. No. 2:21-00114

Western District of Tennessee

ACUMENT GLOBAL TECHNOLOGIES v. MALLINKRODT ARD, INC., ET AL.,  
C.A. No. 2:21-02024

MDL No. 3000 – **IN RE: CHARLES HAYES FALSE IMPRISONMENT LITIGATION**

Motion of plaintiff Charles Hayes to transfer the following actions to the United States District Court for the Eastern District of California or the United States District Court for the District of Nevada:

Eastern District of California

HAYES v. KERN COUNTY, C.A. No. 1:19-01722  
HAYES v. ROJAS, ET AL., C.A. No. 1:20-01820

District of Nevada

HAYES v. LAS VEGAS METROPOLITAN POLICE DEPARTMENT, ET AL.,  
C.A. No. 2:20-02048

**MDL No. 3001 – IN RE: GOOGLE PLAY STORE SIMULATED CASINO–STYLE  
GAMES LITIGATION**

Motion of Plaintiffs Maria Valencia-Torres, Edgar Smith, Michael Brown, and Erica Montoya to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of Alabama

VALENCIA–TORRES v. GOOGLE LLC, ET AL., C.A. No. 2:20–01651

Northern District of New York

BROWN v. GOOGLE, LLC, ET AL., C.A. No. 8:20–01311

**MDL No. 3002 – IN RE: ACCELLION, INC., CUSTOMER DATA SECURITY BREACH  
LITIGATION**

Motion of plaintiff Grace Beyer to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of California

BROWN v. ACCELLION, INC., C.A. No. 5:21–01155  
ZEBELMAN v. ACCELLION, INC., C.A. No. 5:21–01203  
RODRIGUEZ v. ACCELLION, INC., C.A. No. 5:21–01272  
STOBBE v. ACCELLION, INC., C.A. No. 5:21–01353  
PRICE v. ACCELLION, INC., C.A. No. 5:21–01430  
BOLTON v. ACCELLION, INC., C.A. No. 5:21–01645  
WHITTAKER v. ACCELLION, INC., C.A. No. 5:21–01708  
COCHRAN, ET AL. v. ACCELLION, INC., ET AL., C.A. No. 5:21–01887  
BEYER v. FLAGSTAR BANCORP, INC., ET AL., C.A. No. 5:21–02239

Eastern District of Michigan

ANGUS, ET AL. v. FLAGSTAR BANK, FSB, C.A. No. 2:21–10657  
GARCIA v. FLAGSTAR BANK, F.S.B., C.A. No. 2:21–10671

Southern District of Ohio

JONES v. THE KROGER COMPANY, C.A. No. 1:21–00146  
GOVAERT, ET AL. v. THE KROGER COMPANY, C.A. No. 1:21–00174  
DOTY, ET AL. v. THE KROGER COMPANY, C.A. No. 1:21–00198

**MDL No. 3003 – IN RE: XIAOHUA HUANG PATENT LITIGATION**

Motion of defendants Enterasource, Inc.; Big Data Supply, LLC; and Hula Networks, Inc., to transfer the following actions to the United States District Court for the Northern District of California:

Central District of California

HUANG v. BIG DATA SUPPLY, INC., C.A. No. 8:21–00282  
HUANG v. ENTERASOURCE, LLC, C.A. No. 8:21–00284

Northern District of California

HUANG v. TALENTED TECHNOLOGIES, C.A. No. 3:21–01912

Middle District of Florida

HUANG v. TRIFECTA NETWORKS LLC, C.A. No. 8:21–00698  
HUANG v. XBYTE TECHNOLOGIES, C.A. No. 8:21–00712

Southern District of Florida

HUANG v. TRITON DATACOM ONLINE, INC., C.A. No. 0:21–60693

**MDL No. 3004 – IN RE: PARAQUAT PRODUCTS LIABILITY LITIGATION**

Motion of plaintiff Paul Rakoczy to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of California

RAKOCZY v. SYNGENTA CROP PROTECTION, LLC, ET AL., C.A. No. 3:21–02083  
DENES v. SYNGENTA AG, ET AL., C.A. No. 3:21–02416  
O’CONNOR, ET AL. v. SYNGENTA AG, ET AL., C.A. No. 3:21–02495  
ALBANESE, ET AL. v. SYNGENTA AG, ET AL., C.A. No. 3:21–02496  
MAJORS v. SYNGENTA AG, ET AL., C.A. No. 4:21–02494

Southern District of Illinois

HEMKER, ET AL. v. SYNGENTA CROP PROTECTION, LLC, ET AL., C.A. No. 3:21–00211  
PIPER v. SYNGENTA CROP PROTECTION, LLC, ET AL., C.A. No. 3:21–00228  
RUNYON v. SYNGENTA CROP PROTECTION, LLC, ET AL., C.A. No. 3:21–00229



KEARNS, ET AL. v. SYNGENTA CROP PROTECTION LLC, ET AL., C.A. No. 3:21-00278  
DURBIN v. SYNGENTA CROP PROTECTION LLC, ET AL., C.A. No. 3:21-00293

Eastern District of Missouri

HOLYFIELD, ET AL. v. CHEVRON U.S.A. INC., ET AL., C.A. No. 1:20-00165

Northern District of West Virginia

BARRAT v. SYNGENTA CROP PROTECTION LLC, ET AL., C.A. No. 3:21-00050

Southern District of West Virginia

TURNER v. SYNGENTA CROP PROTECTION LLC, ET AL., C.A. No. 2:21-00211

Western District of Wisconsin

TENNESON v. SYNGENTA CROP PROTECTION LLC, ET AL., C.A. No. 3:21-00231

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

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

Opposition of plaintiff Tammy J. Nellenback to transfer of the following action to the United States District Court for the Northern District of Texas:

District of South Carolina

NELLENBACK v. DEPUY, INC., ET AL., C.A. No. 2:21–00533

**MDL No. 2591 – IN RE: SYNGENTA AG MIR162 CORN LITIGATION**

Opposition of plaintiffs Crumley Roberts, LLC, et al., to transfer of the following action to the United States District Court for the District of Kansas:

Southern District of Illinois

CRUMLEY ROBERTS, LLP, ET AL. v. HENINGER GARRISON DAVIS, LLC,  
C.A. No. 3:21–00315

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

Opposition of plaintiff Series 17-03-15, a designated series of MSP Recovery Claims, Series LLC, to transfer of the following action to the United States District Court for the Northern District of Ohio:

Southern District of Florida

SERIES 17–03–615, A DESIGNATED SERIES OF MSP RECOVERY CLAIMS,  
SERIES LLC, A DELAWARE SERIES LIMITED LIABILITY COMPANY v. PAR  
PHARMACEUTICAL, ET AL., C.A. No. 1:21–20797

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

Oppositions of plaintiffs Bryan Jeffries, et al., to transfer of the *Jeffries* action; and Steven Brett Ogden, et al., and defendant Intercontinental Terminals Company, LLC, to transfer of the *Ogden* action to the United States District Court for the District of South Carolina; and motion of defendants 3M Company; E.I. Du Pont De Nemours and Company; The Chemours Company; The Chemours Company FC, LLC; DowDupont, Inc.; Corteva, Inc.; Dupont de Nemours, Inc.; AGC Chemicals Americas, Inc.; and Archroma U.S., Inc., to transfer of the *Nessel* action to the United States District Court for the District of South Carolina:

District of Arizona

JEFFRIES, ET AL. v. CHEMGUARD INCORPORATED, ET AL., C.A. No. 2:21–00059

Western District of Michigan

NESSSEL, ET AL. v. 3M COMPANY, ET AL., C.A. No. 1:21–00205

Southern District of Texas

OGDEN, ET AL. v. INTERCONTINENTAL TERMINALS COMPANY, LLC, ET AL.,  
C.A. No. 4:21–00273

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

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

District of Minnesota

BELL, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–00382  
LAKE, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–00386  
MURPH, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–00387  
PATRICK v. 3M COMPANY, ET AL., C.A. No. 0:21–00388

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

Motion of defendant Allergan USA, Inc., to transfer the following action to the United States District Court for the District of New Jersey:

Western District of Louisiana

CALAIS v. ALLERGAN USA, INC., C.A. No. 6:20–01304

## 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.

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**SUPPLEMENTAL NOTICE OF HEARING SESSION**

Pursuant to the order of the United States Judicial Panel on Multidistrict Litigation filed on April 15, 2021, supplemental notice is hereby given regarding the May 27, 2021, hearing session scheduled to consider various matters under 28 U.S.C. § 1407.

ORAL ARGUMENT:

- **THE PANEL WILL HEAR ORAL ARGUMENT BY VIDEOCONFERENCE USING THE ZOOM MEETING APP.** Oral argument will be conducted in morning and afternoon sessions.
- Oral argument in the morning session will begin at **11:00 a.m.** (All times are Eastern Daylight Time.) The Panel will hear argument in the following dockets, in the following order, at this session:

MDL NO. 2992 – IN RE: BANK OF AMERICA CALIFORNIA  
UNEMPLOYMENT BENEFITS LITIGATION

MDL NO. 2993 – IN RE: CROP INPUTS ANTITRUST LITIGATION

MDL NO. 2994 – IN RE: MEDNAX SERVICES, INC., CUSTOMER  
DATA SECURITY BREACH LITIGATION

MDL NO. 2995 – IN RE: ALLIANZ STRUCTURED ALPHA FUNDS  
LITIGATION

MDL NO. 2996 – IN RE: MCKINSEY & COMPANY, INC., NATIONAL  
PRESCRIPTION OPIATE CONSULTANT LITIGATION

MDL NO. 2997 – IN RE: BABY FOOD MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY LITIGATION

- Oral argument in the afternoon session will begin at **2:00 p.m.** (All times are Eastern Daylight Time.) The Panel will hear argument in any docket scheduled for the morning session that was not able to be completed at that session. The Panel then will hear argument in the following dockets, in the following order:

MDL NO. 2998 – IN RE: PORK DIRECT AND INDIRECT PURCHASER  
ANTITRUST LITIGATION

MDL NO. 2999 – IN RE: ACTHAR GEL ANTITRUST LITIGATION

MDL NO. 3000 – IN RE: CHARLES HAYES FALSE IMPRISONMENT LITIGATION

MDL NO. 3001 – IN RE: GOOGLE PLAY STORE SIMULATED CASINO–STYLE GAMES LITIGATION

MDL NO. 3002 – IN RE: ACCELLION, INC., CUSTOMER DATA SECURITY BREACH LITIGATION

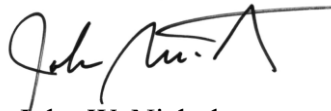
MDL NO. 3004 – IN RE: PARAQUAT PRODUCTS LIABILITY LITIGATION

- The use of videoconference technology for presentation of oral argument is not normal Panel practice. In light of the ongoing COVID-19 pandemic, the Panel and Panel staff are making the time- and resource-intensive arrangements necessary to conduct a virtual hearing in an efficient and effective manner. The Panel plans to return to its practice of in-person hearings when it becomes practicable to do so. **To ensure the manageability of the Zoom hearing, only counsel presenting oral argument will be provided access to the videoconference during the designated time[s].** Counsel presenting oral argument at the afternoon session should not sign into the morning session. Likewise, counsel presenting argument at the morning session should not sign into the afternoon session, unless counsel is presenting argument in a docket that has been continued from the morning session.
- A transcript of the oral argument will be filed in each docket when it becomes available. Parties who wish to order a transcript may do so by completing a transcript request form at <https://www.dcd.uscourts.gov/content/request-transcript> and selecting Sara Wick as the court reporter.
- **Non-arguing counsel, members of the press, and the general public may access live audio of the oral argument by dialing (888) 204-5984 and using access code 4703654. If they cannot connect to the argument using that number and code, they should dial (877) 411-9748 and use access code 1892547. Each line has a limit of 500 callers.** All participants on the conference call will be muted and should not attempt to unmute themselves. Participants should be aware that the conference call will not be connected to the Zoom hearing until oral argument begins, which may not occur precisely at the scheduled time. Participants will hear silence until connected to the Zoom hearing. If there is a technical issue and the conference call is disconnected, Panel staff will attempt to reinitiate the conference call promptly. If this occurs, participants should dial back into the conference call.
- **All recording of the Hearing Session is prohibited.**
- The Panel has allocated argument times for the dockets listed above for oral argument. Counsel who submitted a Notice of Presentation or Waiver of Oral Argument and indicated an intent to present oral argument do not automatically

receive argument time. Per Panel practice, argument time will be allocated to avoid multiple counsel presenting argument advocating a common position.

- **All counsel who are allocated argument time must attend one of four Zoom oral argument preparation sessions that the Panel staff will conduct during the week of May 17, 2021, with one exception.** Participation in a preparation session is not mandatory for attorneys who previously argued at a Panel Hearing conducted using Zoom and attended a preparation session. Those counsel, though, are welcome to attend a preparation session for this hearing. The purpose of these sessions is to: (a) ensure that counsel are technologically prepared to participate in the videoconference; (b) inform counsel how the Panel intends to conduct oral argument; and (c) inform counsel of the procedures and protocols they will be expected to follow during the videoconference.
- Panel staff will email counsel who filed a Notice of Presentation or Waiver of Oral Argument and indicated an intent to present oral argument: (a) the dates and times of the Zoom oral argument preparation sessions; (b) login information for those sessions; (c) additional information regarding the conduct of oral argument during the videoconference; and (d) the Panel's allocation of argument times.
- If counsel wish to make a substitution, either as to counsel designated to argue on behalf of a particular party or with respect to a position advocated by multiple parties, counsel must file a Notice of Substitution no later than **May 13, 2021**. After that date, no substitutions will be permitted absent extraordinary circumstances.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "John W. Nichols", with a long horizontal flourish extending to the right.

John W. Nichols  
Clerk of the Panel



**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: XIAOHUA HUANG PATENT LITIGATION**

MDL No. 3003

(SEE ATTACHED SCHEDULE)

**ORDER DEEMING MOTION MOOT**

Before the Panel is a motion filed by defendants Enterasource, Inc., Big Data Supply, LLC and Hula Networks, Inc. seeking centralization of the actions on the attached schedule, pursuant to 28 U.S.C. § 1407, in the United States District Court for the Northern District of California for coordinated or consolidated pretrial proceedings. The Panel has now been advised that pursuant to a notice of voluntary dismissal the Southern District of Florida action was dismissed by the Honorable Rodney Smith in an order filed on April 26, 2021, thus depriving this litigation of its multidistrict character.

IT IS THEREFORE ORDERED that the motion filed by defendants Enterasource, Inc., Big Data Supply, LLC and Hula Networks, Inc. for transfer under 28 U.S.C. § 1407 is DEEMED MOOT.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on April 15, 2021, are VACATED insofar as they relate to this matter.

FOR THE PANEL:



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John W. Nichols  
Clerk of the Panel

**IN RE: XIAOHUA HUANG PATENT LITIGATION**

MDL No. 3003

**SCHEDULE A**

<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A. NO.</u></b>	<b><u>CASE CAPTION</u></b>
CALIFORNIA CENTRAL CAC	8	21-00282	Xiaohua Huang v. Big Data Supply Inc.
FLORIDA SOUTHERN FLS	0	21-60693	Huang v. Triton Datacom Online, Inc.

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: 3M COMBAT ARMS EARPLUG  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2885

(SEE ATTACHED SCHEDULE)


**ORDER VACATING CONDITIONAL TRANSFER ORDER  
AND VACATING THE MAY 27, 2021, HEARING SESSION ORDER**

A conditional transfer order was filed in the actions on the attached schedule on February 16, 2021. Prior to expiration of that order's 7-day stay of transmittal, plaintiffs filed a notice of opposition to the proposed transfer. Plaintiffs later filed a motion and brief to vacate the conditional transfer order. The Panel has now been advised that these actions have been remanded to the Hennepin County District Court, Minnesota by the Honorable John R. Tunheim in an order filed on May 10, 2021.

IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-96" filed on February 16, 2021, is VACATED insofar as they relate to these actions.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on April 15, 2021, is VACATED insofar as they relate to this matter.

FOR THE PANEL:

  
\_\_\_\_\_  
John W. Nichols  
Clerk of the Panel

**IN RE: 3M COMBAT ARMS EARPLUG  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2885

**SCHEDULE A**

<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A. NO.</u></b>	<b><u>CASE CAPTION</u></b>
MINNESOTA			
MN	0	21-00382	Bell, et al. v. 3M Company et al.
MN	0	21-00386	Lake, et al. v. 3M Company et al.
MN	0	21-00387	Murph, et al. v. 3M Company et al.
MN	0	21-00388	Patrick, et al. v. 3M Company et al.