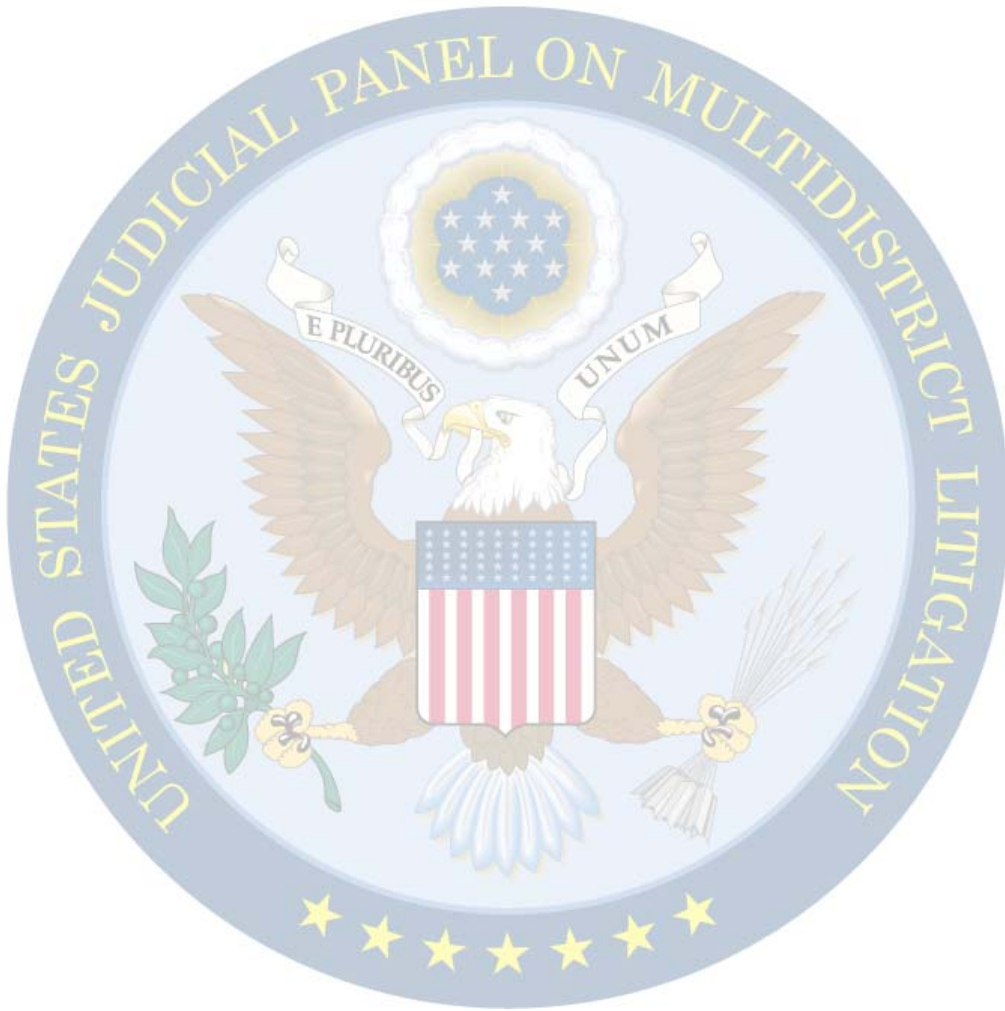


Hearing Session Order & Amendments



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:

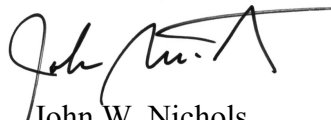
- **THE PANEL WILL HEAR ORAL ARGUMENT BY VIDEOCONFERENCE OR TELECONFERENCE.** Further details regarding how the Hearing Session will be conducted—including sign-in information, allocation of argument times, and a mandatory training session for arguing attorneys—shall be provided after the filing of the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



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

NESSEL, 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: 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

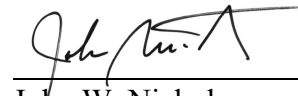
**ORDER LIFTING STAY OF CONDITIONAL REMAND ORDER
AND VACATING THE JANUARY 28, 2021, HEARING SESSION ORDER**

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

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

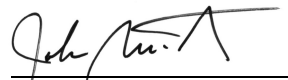
ORDER VACATING CONDITIONAL TRANSFER ORDER
AND VACATING THE JANUARY 28, 2021, HEARING SESSION ORDER

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.

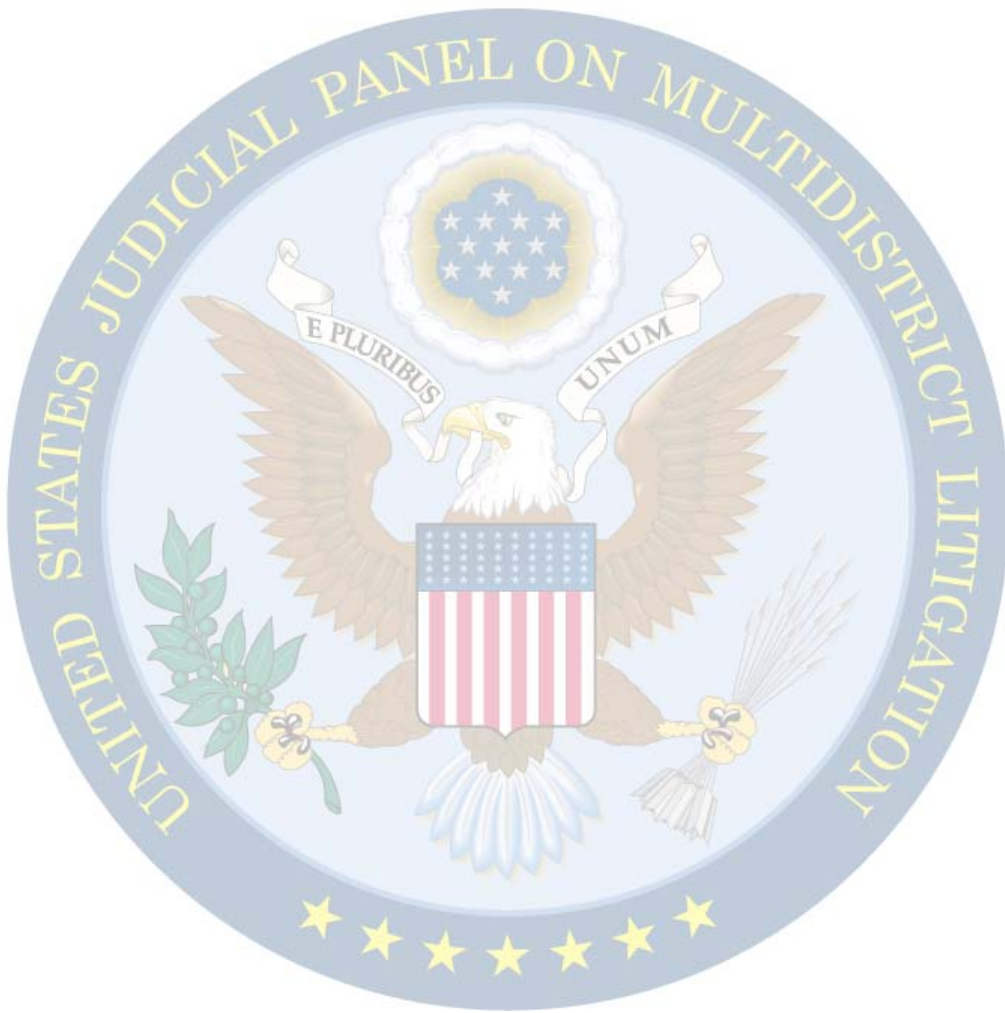
IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on December 15, 2020, are VACATED insofar as they relate to this matter.

FOR THE PANEL:



John W. Nichols
Clerk of the Panel

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:

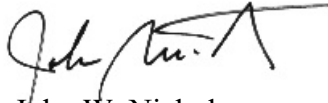
- **THE PANEL WILL HEAR ORAL ARGUMENT BY VIDEOCONFERENCE OR TELECONFERENCE.** Further details regarding how the Hearing Session will be conducted—including sign-in information, allocation of argument times, and a mandatory training session for arguing attorneys—shall be provided after the filing of the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

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.

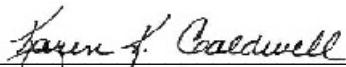
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

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



Karen K. Caldwell

Chair

Catherine D. Perry
Matthew F. Kennelly
Roger T. Benitez

Nathaniel M. Gorton
David C. Norton
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**

**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.

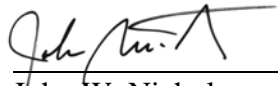
MDL No. 2741 - IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION

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

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", with a long horizontal stroke extending to the right.

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**

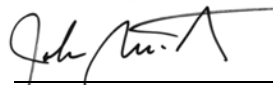
A conditional transfer order was filed in this action (*Weirton*) on January 21, 2021. Prior to expiration of that order's 7-day stay of transmittal, defendants Daikin America, Inc., and NEO Industries (Weirton), Inc., filed notices of opposition to the proposed transfer. Defendant Daikin America, Inc., 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.

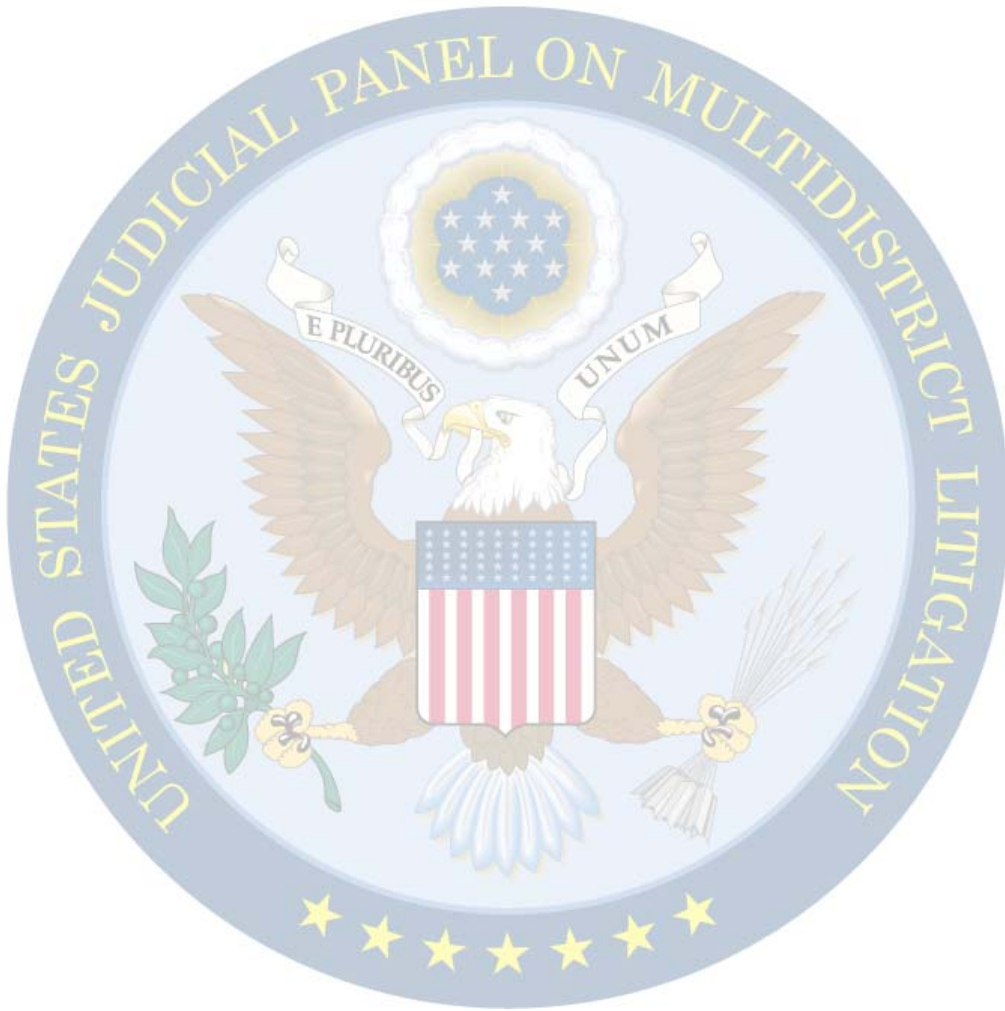
IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on February 17, 2021, are VACATED insofar as they relate to this action.

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 stroke 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.

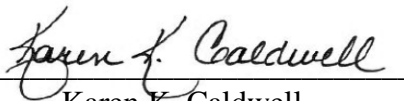
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

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

YUOK 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

NESSEL, 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

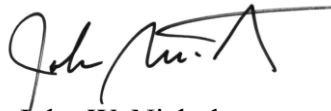
MDL NO. 3004 – IN RE: PARAQUAT PRODUCTS LIABILITY LITIGATION

- 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 stylized flourish extending from the end.

John W. Nichols
Clerk of the Panel

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

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

MDL No. 2885

(SEE ATTACHED SCHEDULE)

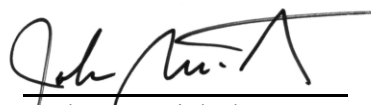
**ORDER VACATING CONDITIONAL TRANSFER ORDER
AND VACATING THE MAY 27, 2021, HEARING SESSION ORDER**

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

<u>DIST</u>	<u>DIV.</u>	<u>C.A. NO.</u>	<u>CASE CAPTION</u>
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.

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

IN RE: XIAOHUA HUANG PATENT LITIGATION

MDL No. 3003

(SEE ATTACHED SCHEDULE)

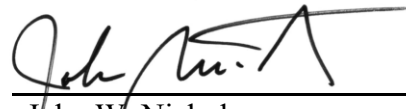
ORDER DEEMING MOTION MOOT

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:



John W. Nichols
Clerk of the Panel

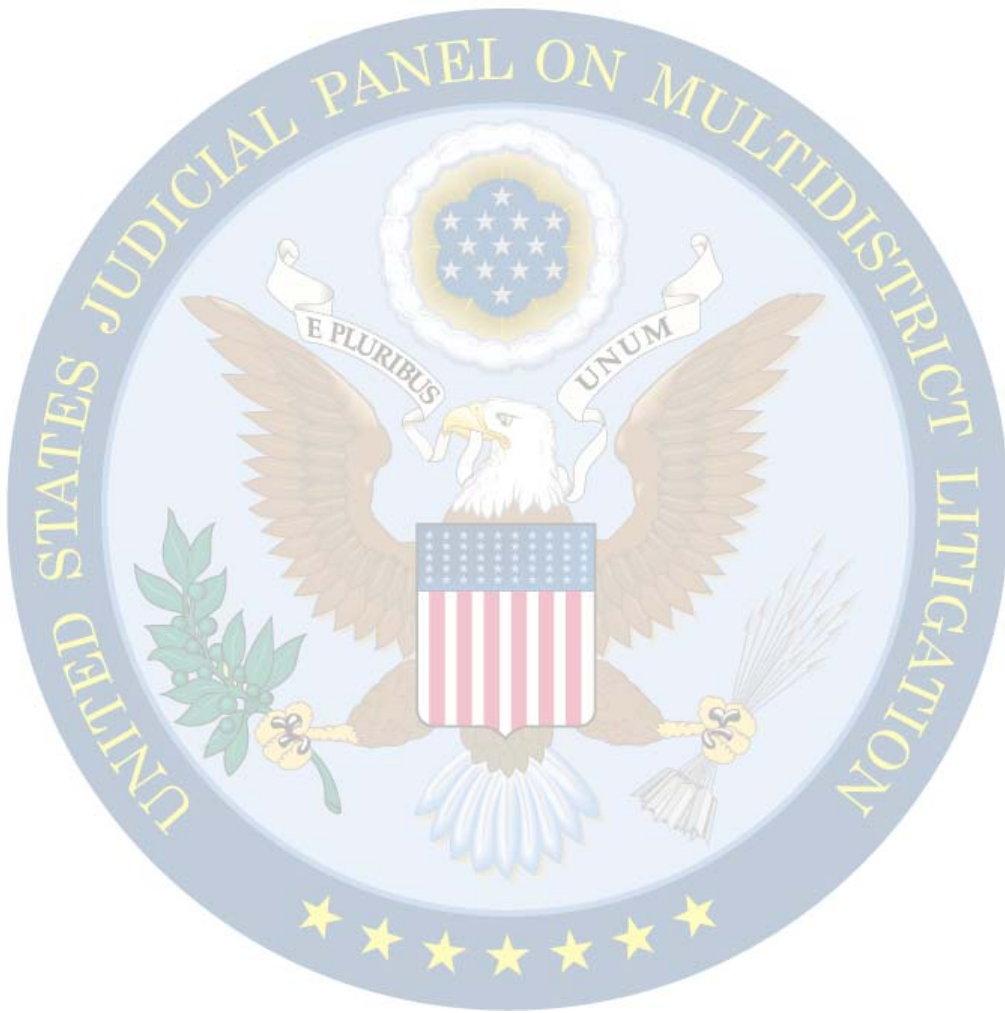
IN RE: XIAOHUA HUANG PATENT LITIGATION

MDL No. 3003

SCHEDULE A

<u>DIST</u>	<u>DIV.</u>	<u>C.A. NO.</u>	<u>CASE CAPTION</u>
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.

Hearing Session Order & Amendments



July 29, 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: **July 29, 2021**

LOCATION OF HEARING SESSION: John Joseph Moakley
United States Courthouse
One Courthouse Way
Boston, Massachusetts 02210-3002

TIME OF HEARING SESSION: **9:30 a.m.**

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

- Section A of this Schedule lists the matters designated for oral argument **by videoconference or teleconference** and includes all actions encompassed by Motion(s) for transfer filed pursuant to Rules 6.1 and 6.2 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 **July 6, 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 stroke 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 July 29, 2021, the Panel will convene a hearing session in Boston, Massachusetts, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

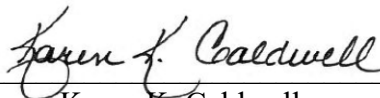
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

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
July 29, 2021 -- Boston, Massachusetts

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. 3005 – IN RE: BELVIQ (LORCASERIN HCI) PRODUCTS LIABILITY LITIGATION

Motion of plaintiffs Stephanie Fuller, et al.; Deborah Steinman, et al.; Mildred Smith; Pamela Puskas, et al.; Jennifer Reynolds-Sitzer, et al.; Deborah Crawford, et al.; and Maryann Kaylor, et al., to transfer the following actions to the United States District Court for the Eastern District of Louisiana:

Northern District of Alabama

SMITH v. EISAI, INC., ET AL., C.A. No. 5:20–01278

Middle District of Florida

SCALA v. EISAI, INC., ET AL., C.A. No. 5:21–00210
BATAYEH v. EISAI, INC., ET AL., C.A. No. 6:21–00406
MARTINEZ v. EISAI, INC., ET AL., C.A. No. 6:21–00615
MILANA, ET AL. v. EISAI, INC., ET AL., C.A. No. 8:21–00831

Eastern District of Louisiana

FULLER, ET AL. v. EISAI, INC., ET AL., C.A. No. 2:20–01675

Western District of Louisiana

KAYLOR, ET AL. v. EISAI, INC., ET AL., C.A. No. 5:21–00058

Western District of Missouri

DAVIS v. EISAI, INC., ET AL., C.A. No. 4:20–00762

District of New Jersey

CRAWFORD, ET AL. v. EISAI, INC., ET AL., C.A. No. 2:21–02439

Eastern District of New York

STEINMAN, ET AL. v. EISAI, INC., ET AL., C.A. No. 1:20-02608

Northern District of New York

REYNOLDS-SITZER, ET AL. v. EISAI, INC., ET AL., C.A. No. 1:21-00145

Southern District of New York

ZOTTOLA v. EISAI, INC., ET AL., C.A. No. 7:20-02600

Western District of Oklahoma

PUSKAS, ET AL. v. EISAI, INC., ET AL., C.A. No. 5:20-00868

MDL No. 3006 – IN RE: TASIGNA (NILOTINIB) PRODUCTS LIABILITY LITIGATION

Motion of plaintiff Allen Garland to transfer the following actions to the United States District Court for the Southern District of Illinois or, in the alternative, the United States District Court for the District of New Jersey:

Western District of Arkansas

BURKE v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 2:20-02032

District of Connecticut

COLELLA v. NOVARTIS PHARMACEUTICALS CORP, C.A. No. 3:20-00367

Middle District of Florida

TONGE v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 2:20-00168

GIANCASPRO v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 3:20-00346

MERCED, ET AL. v. NOVARTIS PHARMACEUTICALS CORPORATION,

C.A. No. 8:20-00587

Southern District of Illinois

GARLAND v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 3:20-00269

District of Maryland

WITT v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 1:20-01249

District of New Jersey

GUSTIN, ET AL. v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 2:20-02753
DEAN v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 2:20-02755

District of New Mexico

HURD v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 2:20-00262

Southern District of New York

LALLY v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 1:20-02359

Middle District of North Carolina

DAVIS v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 1:20-01127

District of North Dakota

POITRA v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 3:20-00123
ISAACSON v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 3:21-00057

Western District of Washington

CRAIG v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 2:20-01641
PEDERSON v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 3:20-05216
BECKER v. NOVARTIS PHARMACEUTICALS CORPORATION, C.A. No. 3:20-05221

Eastern District of Wisconsin

SCHIMMING, ET AL. v. NOVARTIS PHARMACEUTICALS CORPORATION,
C.A. No. 2:21-00135

**MDL No. 3009 – IN RE: SERESTO FLEA AND TICK COLLAR MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Motion of plaintiff Laura Revolinsky to transfer the following actions to the United States District
Court for the District of New Jersey:

Central District of California

VARGAS, ET AL. v. ELANCO ANIMAL HEALTH INCORPORATED,
C.A. No. 2:21-02506
SCHNEIDER v. BAYER HEALTHCARE LLC, ET AL., C.A. No. 2:21-02771

Northern District of California

MERRIMAN v. BAYER HEALTHCARE LLC, ET AL., C.A. No. 3:21-02227
DPHREPAULEZZ v. BAYER HEALTHCARE LLC, ET AL., C.A. No. 3:21-02439

Southern District of Florida

CZERNIAK v. BAYER HEALTHCARE LLC, ET AL., C.A. No. 9:21-80689

Northern District of Illinois

BORCHEK, ET AL. v. BAYER HEALTHCARE LLC, ET AL., C.A. No. 1:21-02099

Eastern District of Missouri

MCDERMOTT, ET AL. v. ELANCO ANIMAL HEALTH, INC., ET AL., C.A. No. 4:21-00461

District of New Jersey

MAIORINO v. BAYER CORPORATION, ET AL., C.A. No. 2:21-07579
BOMWELL, ET AL. v. BAYER HEALTHCARE, LLC, ET AL., C.A. No. 2:21-09479
REVOLINSKY v. ELANCO ANIMAL HEALTH INCORPORATED, ET AL.,
C.A. No. 2:21-10003

Southern District of New York

WALSH v. ELANCO ANIMAL HEALTH, INC., C.A. No. 1:21-02929
DAHLGREN v. BAYER HEALTHCARE LLC, ET AL., C.A. No. 1:21-03109

MDL No. 3010 – IN RE: DIGITAL ADVERTISING ANTITRUST LITIGATION

Motion of defendants Google LLC, Alphabet Inc., and YouTube, LLC to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of California

SPX TOTAL BOBY FITNESS LLC v. GOOGLE LLC, C.A. No. 4:21-00801
IN RE GOOGLE DIGITAL ADVERTISING ANTITRUST LITIGATION, C.A. No. 5:20-03556
IN RE GOOGLE DIGITAL PUBLISHER ANTITRUST LITIGATION, C.A. No. 5:20-08984

District of Delaware

COASTAL POINT LLC v. GOOGLE LLC, ET AL., C.A. No. 1:21-00554

District of District of Columbia

CLIFFY CARE LANDSCAPING LLC v. FACEBOOK, INC., ET AL., C.A. No. 1:21-00360

Southern District of Indiana

AIM MEDIA INDIANA OPERATING, LLC v. GOOGLE LLC, ET AL., C.A. No. 1:21-00951

District of Maryland

FLAG PUBLICATIONS, INC. v. GOOGLE LLC, ET AL., C.A. No. 1:21-00965

Northern District of Mississippi

JOURNAL, INC. v. GOOGLE LLC, ET AL., C.A. No. 1:21-00072

Southern District of Mississippi

EMMERICH NEWSPAPERS, INCORPORATED, ET AL. v. GOOGLE LLC, ET AL.,
C.A. No. 3:21-00274

District of New Jersey

GALE FORCE MEDIA, LLC v. GOOGLE LLC, ET AL., C.A. No. 2:21-09716

Southern District of New York

ASSOCIATED NEWSPAPERS LTD., ET AL. v. GOOGLE LLC, ET AL., C.A. No. 1:21-03446

Southern District of Ohio

AIM MEDIA MIDWEST OPERATING, LLC v. GOOGLE LLC, ET AL., C.A. No. 2:21-01915

Western District of Pennsylvania

EAGLE PRINTING COMPANY v. GOOGLE LLC, ET AL., C.A. No. 2:21-00518

Eastern District of Texas

STATE OF TEXAS, ET AL. v. GOOGLE LLC, C.A. No. 4:20-00957

Southern District of Texas

AIM MEDIA TEXAS OPERATING, LLC v. GOOGLE LLC, ET AL., C.A. No. 7:21-00150

Northern District of West Virginia

CLARKSBURG PUBLISHING COMPANY v. GOOGLE LLC, ET AL., C.A. No. 1:21-00051

Southern District of West Virginia

HD MEDIA COMPANY, LLC v. GOOGLE LLC, ET AL., C.A. No. 3:21-00077

ECENT CORPORATION v. GOOGLE LLC, C.A. No. 5:21-00251

Eastern District of Wisconsin

BROWN COUNTY PUBLISHING COMPANY, INC., ET AL. v. GOOGLE LLC, ET AL.,
C.A. No. 1:21-00498

**MDL No. 3011 – IN RE: NEW YORK AREA EMPLOYEE RETIREMENT INCOME SECURITY
ACT (ERISA) AND EMPLOYMENT PRACTICES LITIGATION (NO. II)**

Motion of Defendant Employee Class to transfer the following actions to the United States District
Court for the Eastern District of New York:

Northern District of New York

ORISKA CORPORATION v. HIGHGATE LTC MANAGEMENT, LLC, ET AL.,
C.A. No. 1:21-00104

ORISKA CORPORATION v. TROY OPERATING CO. LLC (DIAMOND), ET AL.,
C.A. No. 1:21-00106

ORISKA CORPORATION v. NISKAYUNA OPERATING CO., LLC, ET AL.,
C.A. No. 1:21-00109

Southern District of New York

ORISKA CORPORATION v. BAY PARK CENTER FOR NURSING AND REHABILITATION,
ET AL., C.A. No. 1:21-00762

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 Rosalie Murphy to transfer of the *Murphy* action to the United States District Court for the Northern District of Texas and motion of defendant Johnson & Johnson Healthcare System to transfer the *Battle* action to the United States District Court for the Northern District of Texas:

Middle District of Alabama

THE ESTATE OF VICKIE JEAN BATTLE v. EAST ALABAMA MEDICAL CENTER, ET AL.,
C.A. No. 3:21–00339

District of Montana

MURPHY v. KB ORTHOPEDICS, INC., ET AL., C.A. No. 4:21–00049

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

Opposition of plaintiff Manuel Valdez to transfer of the following action to the United States District Court for the District of New Jersey:

Southern District of California

VALDEZ v. JOHNSON & JOHNSON CONSUMER INC., ET AL., C.A. No. 3:21–00873

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

Opposition of plaintiff Nancy C. Salas to transfer of the following action to the United States District Court for the Northern District of California:

Southern District of Florida

SALAS v. MONSANTO COMPANY, ET AL., C.A. No. 1:21–21217

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

Opposition of plaintiff Harris County Hospital District to transfer of the following action to the United States District Court for the Northern District of Ohio:

Southern District of Texas

HARRIS COUNTY HOSPITAL DISTRICT v. MCKESSON CORPORATION, ET AL.,
C.A. No. 4:21–01450

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

Opposition of plaintiff Ulysses Payne to transfer of the following action to the United States District Court for the District of New Jersey:

Northern District of Alabama

PAYNE v. CAMBER PHARMACEUTICALS, INC., ET AL., C.A. No. 7:21–00495

**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

ADAMS, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–00903
BARHAM, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–00905
BLIVEN, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–00908
COOK, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–00909
JACOBS, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–00910
ACKERMAN, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–01098
PERRY v. 3M COMPANY, ET AL., C.A. No. 0:21–01101
KEEN v. 3M COMPANY, ET AL., C.A. No. 0:21–01104

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

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

Northern District of New York

BROWNE v. JUUL LABS, INC., ET AL., C.A. No. 3:21–00468

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

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

Central District of California

GOLDEN v. SANOFI–AVENTIS U.S., LLC, ET AL., C.A. No. 2:21–03793

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

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

Central District of California

THOMPSON v. ROBINHOOD FINANCIAL LLC, C.A. No. 2:21–02230

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 June 16, 2021, supplemental notice is hereby given regarding the July 29, 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 **9:30 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. 3005 – IN RE: BELVIQ (LORCASERIN HCI) PRODUCTS
LIABILITY LITIGATION

MDL NO. 3006 – IN RE: TASIGNA (NLOTINIB) PRODUCTS
LIABILITY LITIGATION

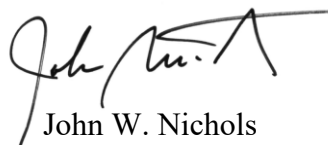
MDL NO. 3009 – IN RE: SERESTO FLEA AND TICK COLLAR
MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION

MDL No. 3010 – IN RE: DIGITAL ADVERTISING ANTITRUST
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].**
- 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 contacting the District of Massachusetts Court Reporter Supervisor at katelyn_coppola@mad.uscourts.gov.

- **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 July 19, 2021.** 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 **July 15, 2021**. After that date, no substitutions will be permitted absent extraordinary circumstances.

FOR THE PANEL:



John W. Nichols
Clerk of the Panel

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: DEPUY ORTHOPAEDICS, INC.,
PINNACLE HIP IMPLANT PRODUCTS
LIABILITY LITIGATION**

The Estate of Vickie Jean Battle v. East Alabama Medical)
Center et al., M.D. Alabama, C.A. No. 3:21-00339)

MDL No. 2244

**ORDER GRANTING UNOPPOSED MOTION TO TRANSFER
AND VACATING THE JULY 29, 2021, HEARING SESSION ORDER**


Pending before the Panel is an unopposed motion by defendant Johnson & Johnson Healthcare System, seeking transfer of the above-captioned *Battle* action to the Northern District of Texas for inclusion in the coordinated or consolidated pretrial proceedings occurring there in MDL No. 2244.

The time for filing a response has passed, and no opposition to the motion has been filed. It appears that this action involves questions of fact in common with the actions previously transferred to the Northern District of Texas and that the criteria for transfer of this action under 28 U.S.C. § 1407 are otherwise satisfied.

IT IS THEREFORE ORDERED, pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, that this action is transferred under 28 U.S.C. §1407 to the Northern District of Texas and, with the consent of that court, assigned to the Honorable James Edgar Kinkeade for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Texas.

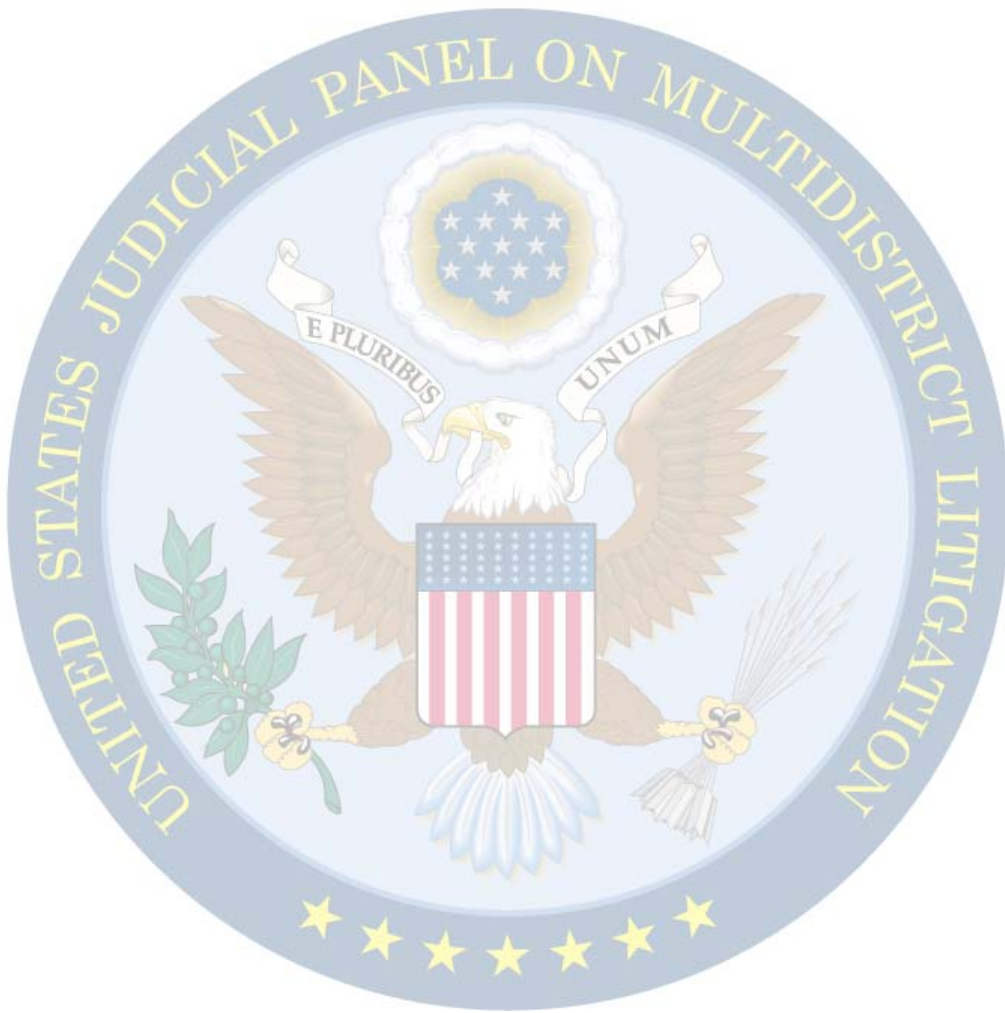
IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on June 16, 2021, are VACATED insofar as they relate to this action.

FOR THE PANEL



John W. Nichols
Clerk of the Panel

Hearing Session Order & Amendments



September 30, 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: **September 30, 2021**

LOCATION OF HEARING SESSION: Thomas F. Eagleton U.S. Courthouse
En Banc Courtroom, 28th Floor
111 South 10th Street
St. Louis, Missouri 63102

TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** Oral argument will commence at **9:30 a.m.**

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

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

ORAL ARGUMENT:

- The Panel continues to monitor the ongoing COVID-19 pandemic. **At present, the Panel intends to hear oral argument in person, but reserves the option to hear oral argument by videoconference or teleconference should circumstances warrant.** Allocations of argument time will be made before the Hearing (using procedures employed at recent Panel hearings conducted by videoconference) such that counsel will be informed in advance of the hearing whether they are allocated time to argue. Allocations will not be made or changed at the Hearing. Further details regarding how the Hearing Session will be

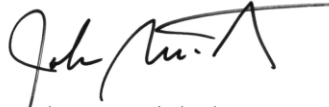
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conducted—shall be provided after the filing of the parties' Notices of Presentation or Waiver of Oral Argument.

- The Panel carefully considers the positions advocated in filings with the Panel when it allocates time to attorneys presenting oral argument. The Panel, therefore, expects attorneys to adhere to those positions including those concerning an appropriate transferee district. Any change in position should be conveyed to Panel staff before the beginning of oral argument. Where an attorney thereafter advocates a position different from that conveyed to Panel staff, the Panel may reduce the allotted argument time and decline to hear further from that attorney.
- The Panel expects attorneys presenting oral argument to be prepared to discuss what steps they have taken to pursue alternatives to centralization including, but not limited to, engaging in informal coordination of discovery and scheduling, and seeking Section 1404 transfer of one or more of the subject cases.

For those matters listed on Section A of the Schedule, the "Notice of Presentation or Waiver of Oral Argument" must be filed in this office no later than **September 7, 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 stylized flourish at the end.

John W. Nichols
Clerk of the Panel

cc: Clerk, United States Court of Appeals for the Eight Circuit

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

HEARING SESSION ORDER

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

IT IS ORDERED that on September 30, 2021, the Panel will convene a hearing session in St. Louis, Missouri, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

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

IT IS FURTHER ORDERED that the Panel will hear oral argument on the matters listed on Section A of the attached Schedule, unless the parties waive oral argument or unless the Panel later decides to dispense with oral argument pursuant to Panel Rule 11.1(c). **Oral argument will be heard in person unless the Panel determines that circumstances caused by the COVID-19 pandemic warrant hearing argument by videoconference or teleconference.** Should the Panel determine that oral argument is to be conducted by videoconference or teleconference, the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this decision to counsel for all parties involved in the matters listed on the attached Schedule.

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
Matthew F. Kennelly
Roger T. Benitez

Nathaniel M. Gorton
David C. Norton
Dale A. Kimball

SCHEDULE OF MATTERS FOR HEARING SESSION
September 30, 2021 -- St. Louis, Missouri

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. 3013 – IN RE: GEICO CUSTOMER DATA SECURITY BREACH
LITIGATION**

Motion of defendants Government Employees Insurance Company, GEICO Indemnity Company, GEICO Casualty Company, and GEICO General Insurance Company to transfer the following actions to the United States District Court for the Eastern District of New York or, in the alternative, the United States District Court for the District of Maryland:

Southern District of California

VENNERHOLM II, ET AL. v. GEICO CASUALTY COMPANY, ET AL.,
C.A. No. 3:21–00806

District of Maryland

CONNELLY, ET AL. v. BERKSHIRE HATHAWAY, INC., ET AL.,
C.A. No. 8:21–01152

Eastern District of New York

MIRVIS, ET AL. v. BERKSHIRE HATHAWAY, INC., ET AL., C.A. No. 1:21–02210
BRODY v. BERKSHIRE HATHAWAY, INC., ET AL., C.A. No. 1:21–02481
VISCARDI v. GOVERNMENT EMPLOYEES INSURANCE COMPANY, ET AL.,
C.A. No. 2:21–02540

MDL No. 3014 – **IN RE: PHILIPS RECALLED CPAP, BI-LEVEL PAP, AND
MECHANICAL VENTILATOR PRODUCTS LIABILITY LITIGATION**

Motion of plaintiff Thomas R. Starner to transfer the following actions to the United States District Court for the Eastern District of Pennsylvania:

District of Delaware

SHRACK v. KONINKLIJKE PHILIPS N.V., ET AL., C.A. No. 1:21-00989

Middle District of Florida

EMMINO v. PHILIPS NORTH AMERICA LLC, ET AL., C.A. No. 8:21-01609

Middle District of Georgia

HELLER v. KONINKELIJKE PHILIPS N.V. ET AL., C.A. No. 4:21-00111

District of Massachusetts

MANNA v. KONINKELIJKE PHILIPS N.V., ET AL., C.A. No. 1:21-11017
SHELTON v. KONINKLIJKE PHILIPS N.V., ET AL., C.A. No. 1:21-11076
GRIFFIN v. KONINKLIJKE PHILIPS N.V., ET AL., C.A. No. 1:21-11077
OLDIGS v. PHILIPS NORTH AMERICA LLC, ET AL., C.A. No. 1:21-11078
SCHUCKIT v. PHILIPS NORTH AMERICA LLC, ET AL., C.A. No. 1:21-11088
BOUDREAU, ET AL. v. PHILIPS NORTH AMERICA LLC, ET AL.,
C.A. No. 1:21-11095

Eastern District of Pennsylvania

STARNER v. KONINKLIJKE PHILIPS N.V., ET AL., C.A. No. 2:21-02925

MDL No. 3015 – **IN RE: JOHNSON & JOHNSON AEROSOL SUNSCREEN
MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

Motion of plaintiffs Melissa Jimenez, et al., to transfer the following actions to the United States District Court for the District of New Jersey:

Central District of California

FRENCH, ET AL. v. JOHNSON & JOHNSON CONSUMER, INC., C.A. No. 2:21–05048

Northern District of California

RAFAL v. JOHNSON & JOHNSON, ET AL., C.A. No. 3:21–05524
DOMINGUEZ, ET AL. v. JOHNSON & JOHNSON CONSUMER, INC.,
C.A. No. 4:21–05419

Southern District of Florida

SEROTA, ET AL. v. JOHNSON & JOHNSON CONSUMER, INC., C.A. No. 0:21–61103

District of New Jersey

JIMENEZ, ET AL. v. JOHNSON & JOHNSON CONSUMER, INC., C.A. No. 3:21–13113
MCLAUGHLIN v. JOHNSON & JOHNSON CONSUMER, INC., ET AL.,
C.A. No. 3:21–13710
BRIGLIO v. JOHNSON & JOHNSON CONSUMER, INC., C.A. No. 3:21–13972

Southern District of New York

LAVALLE v. NEUTROGENA CORPORATION, ET AL., C.A. No. 7:21–06091

MDL No. 3016 – **IN RE: RAHUL CHATURVEDI LITIGATION**

Motion of Rahul Chaturvedi to transfer the following actions to the United States District Court for the District of Massachusetts:

District of Connecticut

BLACK DIAMOND CONSULTING GROUP LLC v. MOOLEX LLC, ET AL.,
C.A. No. 3:21–00722

District of Massachusetts

IN RE CHATURVEDI, ET AL., C.A. No. 1:21–10099
ASCEND CAPITAL LLC v. MOOLEX LLC, ET AL., C.A. No. 1:21–10972

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

**MDL No. 2151 – IN RE: TOYOTA MOTOR CORP. UNINTENDED ACCELERATION
MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY
LITIGATION**

Opposition of plaintiffs Paula Thibeaux, et al., to transfer of the following action to the United States District Court for the Central District of California:

Western District of Louisiana

THIBEAUX, ET AL. v. TOYOTA MOTOR CORP., ET AL., C.A. No. 6:21–01566

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

Opposition of plaintiff John B. Shattuck to transfer of the following action to the United States District Court for the Northern District of Texas:

Western District of Washington

SHATTUCK v. A1A, INC., ET AL., C.A. No. 2:21–00945

**MDL No. 2323 – IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION**

Opposition of plaintiff Collins & Truett Attorneys PA to transfer of the following action to the United States District Court for the Eastern District of Pennsylvania:

Northern District of Florida

COLLINS & TRUETT ATTORNEYS PA v. PETKAUSKAS, ET AL.,
C.A. No. 4:21–00286

MDL No. 2542 – **IN RE: KEURIG GREEN MOUNTAIN SINGLE-SERVE COFFEE
ANTITRUST LITIGATION**

Motion of plaintiff JBR, Inc., for remand, pursuant to 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Eastern District of California:

Southern District of New York

JBR, INC. v. KEURIG GREEN MOUNTAIN, INC., C.A. No. 1:14–04242
(E.D. California, C.A. No. 2:14–00677)

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

Oppositions of plaintiffs Mema Nikoghosyan; Hilda Markarian; and Naomi Khan, et al., to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Central District of California

NIKOGHOSYAN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:21–05577
MARKARIAN v. JOHNSON AND JOHNSON, ET AL., C.A. No. 2:21–05650

District of Oregon

KHAN, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 3:21–01054

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

Motion of Brian Webb to transfer the following action to the United States District Court for the Northern District of California:

District of Delaware

GILMORE, ET AL. v. MONSANTO COMPANY, C.A. No. 1:20–01085

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

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

Eastern District of Wisconsin

CITY OF CUDAHY v. ACTAVIS PHARMA, INC., ET AL., C.A. No. 2:21–00742
THE CITY OF FRANKLIN v. ACTAVIS PHARMA, INC., ET AL., C.A. No. 2:21–00747
CITY OF GREENFIELD v. ACTAVIS PHARMA, INC., ET AL., C.A. No. 2:21–00751
CITY OF OAK CREEK v. ACTAVIS PHARMA, INC., ET AL., C.A. No. 2:21–00754
CITY OF WAUWATOSA v. ACTAVIS PHARMA, INC., ET AL., C.A. No. 2:21–00757
THE CITY OF WEST ALLIS v. ACTAVIS PHARMA, INC., ET AL.,
C.A. No. 2:21–00759

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

Motion of defendant Ford Motor Company to transfer the following action to the United States District Court for the Central District of California:

Eastern District of California

ARMSTRONG, ET AL. v. FORD MOTOR COMPANY, ET AL., C.A. No. 2:21–00018

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

Motion of defendant 3M Company to transfer the following action to the United States District Court for the District of South Carolina:

Central District of California

CITY OF CORONA, ET AL. v. 3M COMPANY, ET AL., C.A. No. 5:21–01156

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

FLANSBURG v. 3M COMPANY, ET AL., C.A. No. 0:21–01310
KAUFFMAN, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–01311
LESTENKOF, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–01313
MCCLEAN–COYER, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–01317
ALMQUIST, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–01319
BOUCHARD, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–01511
AHRENS, ET AL. v. 3M COMPANY, ET AL., C.A. No. 0:21–01546

MDL No. 2912 – IN RE: PALBOCICLIB PATENT LITIGATION

Opposition of defendants Synthon Pharmaceuticals, Inc.; Synthon B.V.; and Synthon International Holding B.V. to transfer of the following action to the United States District Court for the District of Delaware:

Middle District of North Carolina

PFIZER INC., ET AL. v. SYNTHON PHARMACEUTICALS, INC., ET AL.,
C.A. No. 1:21–00157

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

Motion of defendants Sanofi US Services Inc. and Sanofi-Aventis U.S. LLC to transfer the following action to the United States District Court for the Southern District of Florida:

Northern District of California

MCCLYMONDS v. SANOFI US SERVICES, INC., ET AL., C.A. No. 3:21–05287

MDL No. 2967 – **IN RE: CLEARVIEW AI, INC., CONSUMER PRIVACY LITIGATION**

Opposition of plaintiffs Steven Renderos, et al., to transfer of the following action to the United States District Court for the Northern District of Illinois:

Northern District of California

RENDEROS, ET AL. v. CLEARVIEW AI, INC., ET AL., C.A. No. 3:21–04572

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

Opposition of plaintiff The Cherokee Nation to transfer of the following action to the United States District Court for the Northern District of California:

Eastern District of Oklahoma

THE CHEROKEE NATION v. MCKINSEY AND COMPANY, INC.,
C.A. No. 6:21–00200

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 August 13, 2021, and amended on September 3, 2021, supplemental notice is hereby given regarding the September 30, 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. 3013 – IN RE: GEICO CUSTOMER DATA SECURITY BREACH LITIGATION

MDL NO. 3014 – IN RE: RECALLED CPAP, BI-LEVEL PAP, AND MECHANICAL VENTILATOR PRODUCTS LIABILITY LITIGATION

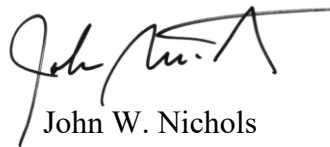
MDL NO. 3015 – IN RE: JOHNSON & JOHNSON AEROSOL SUNSCREEN MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION

- 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.**
- 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 two Zoom oral argument preparation sessions that the Panel staff will conduct during the week of September 20, 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) Oral Argument Guidelines and Instructions containing the dates, times, and login information for the Zoom oral argument preparation sessions and additional information regarding the conduct of oral argument during the videoconference and (b) 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 **September 16, 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 stylized flourish 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 AUGUST 13, 2021**

IT IS ORDERED that the Notice of Hearing Session, Hearing Session Order, and attached Schedule for the hearing session on September 30, 2021, in St. Louis, Missouri, filed by the Judicial Panel on Multidistrict Litigation on August 13, 2021, are amended to update the following:

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. (Eastern Daylight Time)**

ORAL ARGUMENT:

- **The Panel has determined that circumstances caused by the COVID-19 pandemic warrant hearing oral argument by videoconference or teleconference.** No counsel are permitted to appear in person. Further details regarding how the Hearing Session will be conducted—including sign-in information, allocation of argument times, and a training session for arguing attorneys—shall be provided after the filing of the parties' Notices of Presentation or Waiver of Oral Argument.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "John W. Nichols", with a stylized flourish at the end.

John W. Nichols
Clerk of the Panel

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS’
CONCUSSION INJURY LITIGATION**

Collins & Truett Attorneys P A v. Petkauskas, et al.,
N.D. Florida, C.A. No. 4:21-00286

)
)

MDL No. 2323

**ORDER VACATING CONDITIONAL TRANSFER ORDER
AND VACATING THE SEPTEMBER 30, 2021 HEARING SESSION ORDER**

A conditional transfer order was filed in this action (*Collins*) on July 16, 2021. Prior to expiration of that order’s 7-day stay of transmittal, plaintiff *Collins* filed a notice of opposition to the proposed transfer order. Plaintiff later filed the motion and brief to vacate the conditional transfer order. The Panel has now been advised that, pursuant to a notice of voluntary dismissal with prejudice, *Collins* was dismissed in the Northern District of Florida by the Honorable Robert L. Hinkle on August 22, 2021.

IT IS THEREFORE ORDERED that the Panel’s conditional transfer order designated as “CTO-109” filed on July 16, 2021, is VACATED insofar as it relates to this action.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on August 13, 2021, 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: JOHNSON & JOHNSON TALCUM POWDER
PRODUCTS MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION**

Hilda Markarian v. 3M Company, et al.,)
C.D. California, C.A. No. 2:21-05650) MDL No. 2738


**ORDER VACATING CONDITIONAL TRANSFER ORDER
AND VACATING THE SEPTEMBER 30, 2021 HEARING SESSION ORDER**

A conditional transfer order was filed in this action (*Hilda*) on July 19, 2021. Prior to expiration of that order's 7-day stay of transmittal, plaintiff in *Hilda* filed a notice of opposition to the proposed transfer order. Plaintiff later filed the motion and brief to vacate the conditional transfer order. The Panel has been advised that *Hilda* was remanded to the Los Angeles County Superior Court, California, by the Honorable Otis D. Wright, II, in an order filed on August 30, 2021.

IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-264" filed on July 19, 2021, is VACATED insofar as it relates to this action.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on August 13, 2021, are VACATED insofar as they relate to this action.

FOR THE PANEL:



John W. Nichols
Clerk of the Panel

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: FORD MOTOR CO. DPS6 POWERSHIFT
TRANSMISSION PRODUCTS LIABILITY LITIGATION**

Armstrong, et al. v. Ford Motor Company, et al.,)
E.D. California, C.A. No. 2:21-00018)

MDL No. 2814

**ORDER GRANTING UNOPPOSED MOTION TO TRANSFER
AND VACATING THE SEPTEMBER 30, 2021, HEARING SESSION ORDER**

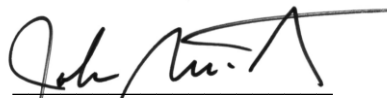
Pending before the Panel is an unopposed motion by defendant Ford Motor Company seeking transfer of the above-captioned *Armstrong* action to the Central District of California for inclusion in the coordinated or consolidated pretrial proceedings occurring there in MDL No. 2814.


The time for filing a response has passed, and no opposition to the motion has been filed. It appears that this action involves questions of fact in common with the actions previously transferred to the Central District of California and that the criteria for transfer of this action under 28 U.S.C. § 1407 are otherwise satisfied.

IT IS THEREFORE ORDERED, pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, that this action is transferred under 28 U.S.C. §1407 to the Central District of California and, with the consent of that court, assigned to the Honorable André Birotte, Jr., for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Central District of California.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on August 13, 2021, are VACATED insofar as they relate to this matter.

FOR THE PANEL:


John W. Nichols
Clerk of the Panel


John W. Nichols
Clerk of the Panel

**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 ORDERS
AND VACATING THE SEPTEMBER 30, 2021, HEARING SESSION ORDER**

Conditional transfer orders were filed in the actions on the attached schedule between June 3, 2021, and July 7, 2021. Prior to expiration of that order's 7-day stay of transmittal, plaintiffs filed notices of opposition to the proposed transfer. Plaintiffs later filed motions and briefs to vacate the conditional transfer orders. The Panel has now been advised that these actions have been remanded to their respective state courts by the Honorable John R. Tunheim in an order filed on September 20, 2021.

IT IS THEREFORE ORDERED that the Panel's conditional transfer orders designated as "CTO-108, 109, and 110" filed between June 3 and July 7, 2021, are VACATED insofar as it relates to these actions.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on August 13, 2021, are 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

<u>DIST</u>	<u>DIV.</u>	<u>C.A. NO.</u>	<u>CASE CAPTION</u>
MINNESOTA			
MN	0	21-01310	Flansburg v. 3M Company et al
MN	0	21-01311	Kauffman et al v. 3M Company et al
MN	0	21-01313	Lestenkof et al v. 3M Company et al
MN	0	21-01317	McClean-Coyer et al v. 3M Company et al
MN	0	21-01319	Almquist et al v. 3M Company et al
MN	0	21-01511	Bouchard et al v. 3M Company et al
MN	0	21-01546	Ahrens et al v. 3M Company et al

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: ZANTAC (RANITIDINE) PRODUCTS
LIABILITY LITIGATION

McClymonds v. Sanofi US Services Inc., et al.,)
N.D. California, C.A. No. 3:21-05287)

MDL No. 2924

ORDER GRANTING UNOPPOSED MOTION TO TRANSFER
AND VACATING THE SEPTEMBER 30, 2021, HEARING SESSION ORDER

Pending before the Panel is an unopposed motion by defendants Sanofi US Services, Inc., and Sanofi-Aventis U.S. LLC seeking transfer of the above-captioned *McClymonds* action to the Southern District of Florida for inclusion in the coordinated or consolidated pretrial proceedings occurring there in MDL No. 2924.

The time for filing a response has passed, and no opposition to the motion has been filed. Plaintiff is deemed to acquiesce to the motion under Rule 6.1(c) of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation. It thus appears that *McClymonds* involves questions of fact in common with the actions previously transferred to the Southern District of Florida and that the criteria for transfer of this action under 28 U.S.C. § 1407 are otherwise satisfied.

IT IS THEREFORE ORDERED, pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, that this action is transferred under 28 U.S.C. §1407 to the Southern District of Florida and, with the consent of that court, assigned to the Honorable Robin L. Rosenberg, for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of Florida.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on August 13, 2021, are VACATED insofar as they relate to this matter.

FOR THE PANEL:



John W. Nichols
Clerk of the Panel