

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 26, 2020, supplemental notice is hereby given regarding the July 30, 2020, 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 **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. 2942 – IN RE: COVID-19 BUSINESS INTERRUPTION PROTECTION INSURANCE LITIGATION

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

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

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

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

- Oral argument in the afternoon session will begin at **1:00 p.m.** 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. 2949 – IN RE: PROFEMUR HIP IMPLANT PRODUCTS LIABILITY LITIGATION

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

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

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

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

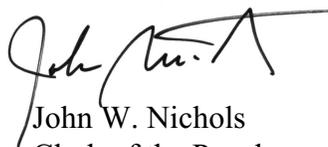
MDL NO. 2952 – IN RE: BANK OF AMERICA PAYCHECK PROTECTION PROGRAM LITIGATION

MDL NO. 2954 – IN RE: WELLS FARGO PAYCHECK PROTECTION PROGRAM 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 (877) 411-9748 and using access code 1892547.** 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 will be required to attend one of several Zoom oral argument preparation sessions that the Panel staff will conduct during the week of July 20, 2020.** 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 17, 2020**. After that date, no substitutions will be permitted absent extraordinary circumstances.

FOR THE PANEL:

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

John W. Nichols
Clerk of the Panel