

**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 28, 2017**

LOCATION OF HEARING SESSION: John Joseph Moakley U.S. Courthouse  
En Banc Courtroom, 7th Floor  
One Courthouse Way  
Boston, Massachusetts 02210-3002

TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:00 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

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

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

ORAL ARGUMENT:

- The Panel carefully considers the positions advocated in filings with the Panel when it allocates time to attorneys presenting oral argument. The Panel, therefore, expects attorneys to adhere to those positions including those concerning an appropriate transferee district. Any change in position should be conveyed to Panel staff before the beginning of oral argument. Where an attorney thereafter advocates a position different from that conveyed to Panel staff, the Panel may reduce the allotted argument time and decline to hear further from that attorney.

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- The Panel expects attorneys presenting oral argument to be prepared to discuss what steps they have taken to pursue alternatives to centralization including, but not limited to, engaging in informal coordination of discovery and scheduling, and seeking Section 1404 transfer of one or more of the subject cases.

For those matters listed on Section A of the Schedule, the "Notice of Presentation or Waiver of Oral Argument" must be filed in this office no later than **September 11, 2017**. The procedures governing Panel oral argument (Panel Rule 11.1) are attached. The Panel strictly adheres to these procedures.

FOR THE PANEL:

A handwritten signature in black ink, appearing to read "Jeffery N. Lüthi", with a long horizontal flourish extending to the right.

Jeffery N. Lüthi  
Clerk of the Panel

cc: Clerk, United States District for the District of Massachusetts

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 28, 2017, 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 the Panel will hear oral argument on the matters listed on Section A of the attached Schedule, unless the parties waive oral argument or unless the Panel later decides to dispense with oral argument pursuant to Panel Rule 11.1(c).

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

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

PANEL ON MULTIDISTRICT LITIGATION



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Sarah S. Vance  
Chair

Marjorie O. Rendell  
Lewis A. Kaplan  
R. David Proctor

Charles R. Breyer  
Ellen Segal Huvelle  
Catherine D. Perry

SCHEDULE OF MATTERS FOR HEARING SESSION  
September 28, 2017 -- 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. 2791 – **IN RE: LULAROE, LLC, LEGGINGS MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Motion of defendants LuLaRoe, LLC, and LLR, Inc., to transfer the following actions to the United States District Court for the Central District of California:

Central District of California

MACK v. LLR, INC., ET AL., C.A. No. 5:17-00853

Northern District of California

DEAN, ET AL. v. LULAROE, LLC, ET AL., C.A. No. 4:17-01579  
HEINICHEN, ET AL. v. LULAROE, LLC, ET AL., C.A. No. 4:17-02880

Northern District of Ohio

GOODWIN v. LLR, INC., C.A. No. 1:17-00931

District of Oregon

DORAN v. LLR, INC., C.A. No. 3:17-00781

MDL No. 2792 – **IN RE: SAMSUNG TOP-LOAD WASHING MACHINE MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Motion of defendants Samsung Electronics America, Inc.; Samsung Electronics Co., Ltd.; Best Buy Co., Inc.; Lowes Home Centers, LLC; and Sears Holdings Corporation to transfer the following actions to the United States District Court for the Western District of Oklahoma:

Central District of California

ALLEN v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 2:17-03602

MADRID v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 5:17-00203

Eastern District of California

RAABE v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 2:17-00946

District of Delaware

LANE v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL., C.A. No. 1:17-00371

Southern District of Florida

COOPER v. SAMSUNG ELECTRONICS AMERICA, INC., C.A. No. 0:17-61022

Northern District of Georgia

KELLAS v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 1:17-01232

Western District of Kentucky

JACOBS v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 3:17-00272

Western District of Louisiana

SORIA v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 2:17-00195

Western District of Michigan

HINKHOUSE v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 2:17-00039

District of Minnesota

ANDERSON v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 0:17-01569

District of Nebraska

MULFORD v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 4:17-03017

District of New Jersey

MOORE, ET AL. v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 2:16-04966

Eastern District of New York

FRAKER v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 2:17-02353

Southern District of New York

MIKRUT v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 1:17-01525

Middle District of North Carolina

BRADLEY v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 1:17-00171

Western District of Oklahoma

WELLS, ET AL. v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 5:17-00046

MENZER v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 5:17-00409

SEWELL v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 5:17-00434

HANSEN v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 5:17-00513

Eastern District of Pennsylvania

WAGNER v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 2:16-03623

Western District of Pennsylvania

TROYAN v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 2:16-01873

District of South Carolina

SANDA, ET AL. v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 6:17-00988

Southern District of Texas

ZAMORA v. SAMSUNG ELECTRONICS AMERICA, INC., ET AL.,  
C.A. No. 7:17-00154

Western District of Texas

PRONSTROLLER, ET AL. v. SAMSUNG ELECTRONICS AMERICA, INC.,  
ET AL., C.A. No. 5:17-00163

**MDL No. 2793 – IN RE: ENHANCED RECOVERY COMPANY, LLC, TELEPHONE  
CONSUMER PROTECTION ACT (TCPA) LITIGATION (NO. III)**

Motion of defendant Enhanced Recovery Company, LLC, to transfer the following  
actions to the United States District Court for the Northern District of Illinois:

Northern District of Illinois

COOK v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 1:17-02452  
KAYYAL v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 1:17-02718  
HILL v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 1:17-03154

Northern District of Indiana

WEAVER v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 1:17-00177

Southern District of Indiana

MARTIN v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 1:17-00730  
ROBINSON v. ENHANCED RECOVERY COMPANY, LLC, C.A. No. 3:16-00225

MDL No. 2794 – **IN RE: BLUE SPIKE, LLC, PATENT LITIGATION**

Motion of plaintiff Blue Spike, LLC, to transfer the following actions to the United States District Court for the Eastern District of Texas:

Central District of California

BLUE SPIKE, LLC v. VERIMATRIX, INC., C.A. No. 2:17-05656  
BLUE SPIKE, LLC v. VIZIO, INC., C.A. No. 8:17-01172

District of Delaware

BLUE SPIKE, LLC v. ROKU, INC., C.A. No. 1:17-00928

Eastern District of Texas

BLUE SPIKE, LLC v. CATERPILLAR, INC., ET AL., C.A. No. 6:16-01361  
BLUE SPIKE, LLC v. JUNIPER NETWORKS, INC., C.A. No. 6:17-00016  
BLUE SPIKE, LLC v. TOSHIBA AMERICA INFORMATION SYSTEMS, INC.,  
ET AL., C.A. No. 6:17-00053  
BLUE SPIKE, LLC v. LEMALL CORP., ET AL., C.A. No. 6:17-00063  
BLUE SPIKE, LLC v. NVIDIA CORPORATION, C.A. No. 6:17-00096  
BLUE SPIKE, LLC v. RAZER USA LTD., C.A. No. 6:17-00099  
BLUE SPIKE, LLC v. SKYSTREAM TECHNOLOGIES, LLC, C.A. No. 6:17-00101  
BLUE SPIKE, LLC v. MARKANY, INC., C.A. No. 6:17-00138  
BLUE SPIKE, LLC v. BARNES & NOBLE, INC., ET AL., C.A. No. 6:17-00175

MDL No. 2795 – **IN RE: CENTURYLINK RESIDENTIAL CUSTOMER BILLING  
DISPUTES LITIGATION**

Motion of defendants CenturyLink, Inc.; CenturyLink Communications, LLC; Embarq Minnesota, Inc.; CenturyLink Public Communications, Inc.; CenturyLink Sales Solutions, Inc.; CenturyTel of Idaho, Inc.; CenturyTel of the Gem State, Inc.; and Embarq Florida, Inc., to transfer the following actions to the United States District Court for the District of Minnesota:

District of Arizona

ALLISON v. CENTURYLINK INCORPORATED, ET AL., C.A. No. 2:17-02162

Central District of California

MCLEOD, ET AL. v. CENTURYLINK, INC., ET AL., C.A. No. 2:17-04504

District of Colorado

CHAVEZ v. CENTURYLINK, INC., ET AL., C.A. No. 1:17-01561

Middle District of Florida

CARRILLO, ET AL. v. CENTURYLINK, INC., ET AL., C.A. No. 6:17-01309

District of Idaho

HANIFEN v. CENTURYLINK, INC., ET AL., C.A. No. 1:17-00267

District of Minnesota

ROMERO, ET AL. v. CENTURYLINK, INC., ET AL., C.A. No. 0:17-02832

District of Nevada

GARTEN v. CENTURYLINK, INC., ET AL., C.A. No. 2:17-01794

District of Oregon

GONSIOR v. CENTURYLINK, INC., C.A. No. 3:17-00963

Western District of Washington

LAWHEAD v. CENTURYLINK, INC., C.A. No. 3:17-05487

**MDL No. 2796 – IN RE: GERMAN AUTOMOTIVE MANUFACTURERS ANTITRUST  
LITIGATION**

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

Northern District of California

BURTON, ET AL. v. BMW AG, ET AL., C.A. No. 3:17-04314

BRISCOE v. BAYERISCHE MOTOREN WERKE AG, ET AL., C.A. No. 4:17-04320

District of New Jersey

BARRERA v. BMW NORTH AMERICA, LLC, ET AL., C.A. No. 2:17-05550

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

Motion of plaintiff Katherine Jacob to transfer the following actions to the United States District Court for the Southern District of New York:

Northern District of California

HANCOCK v. WELLS FARGO & COMPANY, ET AL., C.A. No. 3:17-04324  
PRESTON v. WELLS FARGO & COMPANY, ET AL., C.A. No. 4:17-04346

Southern District of New York

JACOB v. NATIONAL GENERAL INSURANCE COMPANY, C.A. No. 1:17-05806

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

MDL No. 2187 – **IN RE: C.R. BARD, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Danna Morrison to transfer of the following action to the United States District Court for the Southern District of West Virginia:

Eastern District of Tennessee

MORRISON v. BLASINGAME BURCH GARRARD & ASHLEY, P.C.,  
C.A. No. 1:17-00165

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

Oppositions of plaintiffs Brian K. Jones and Mark Miller, et al., to transfer of their respective following actions to the United States District Court for the Southern District of California:

Western District of Missouri

JONES v. MIDLAND CREDIT MANAGEMENT, INC., C.A. No. 4:17-00253

Southern District of West Virginia

MILLER, ET AL. v. MIDLAND CREDIT MANAGEMENT, INC., ET AL.,  
C.A. No. 3:17-03429

MDL No. 2325 – **IN RE: AMERICAN MEDICAL SYSTEMS, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiffs Maricarmen Velarde De Cordova, et al.; Claudia Gaxiola, et al.; Amy Jones, et al.; and Janet Wolzen, et al., to transfer of their respective following actions to the United States District Court for the Southern District of West Virginia:

Southern District of California

VELARDE DE CORDOVA, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC.,  
ET AL., C.A. No. 3:17-01249

GAXIOLA, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,  
C.A. No. 3:17-01250  
JONES, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,  
C.A. No. 3:17-01251  
WOLZEN, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,  
C.A. No. 3:17-01253

MDL No. 2406 – **IN RE: BLUE CROSS BLUE SHIELD ANTITRUST LITIGATION**

Oppositions of plaintiffs Bradley A. Chicoine, D.C., et al., and Opelousas General Hospital Authority to transfer of their respective following actions to the United States District Court for the Northern District of Alabama:

Southern District of Iowa

CHICOINE, ET AL. v. WELLMARK, INC., ET AL., C.A. No. 4:17-00210

Western District of Louisiana

OPELOUSAS GENERAL HOSPITAL AUTHORITY v. LOUISIANA HEALTH SERVICE & INDEMNITY CO., ET AL., C.A. No. 6:17-00818

MDL No. 2493 – **IN RE: MONITRONICS INTERNATIONAL, INC., TELEPHONE CONSUMER PROTECTION ACT (TCPA) LITIGATION**

Opposition of plaintiff Vincent Lucas to transfer of the following action to the United States District Court for the Northern District of West Virginia:

Southern District of Ohio

LUCAS v. MONITRONICS INTERNATIONAL, INC., ET AL., C.A. No. 1:17-00374

MDL No. 2570 – **IN RE: COOK MEDICAL, INC., IVC FILTERS MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Gregory Givney and Phyllis Pleasant to transfer of their respective following actions to the United States District Court for the Southern District of Indiana:

Northern District of Texas

GIVNEY v. COOK INCORPORATED, ET AL., C.A. No. 3:17-01432  
PLEASANT v. COOK INCORPORATED, ET AL., C.A. No. 3:17-01498

**MDL No. 2592 – IN RE: XARELTO (RIVAROXABAN) PRODUCTS LIABILITY LITIGATION**

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

Central District of California

HARBOYAN v. JOHNSON AND JOHNSON COMPANY, ET AL.,  
C.A. No. 2:17-05235

Southern District of Illinois

BEROUSSE, ET AL. v. JANSSEN RESEARCH & DEVELOPMENT, LLC,  
ET AL., C.A. No. 3:17-00716  
DOUTHIT, ET AL. v. JANSSEN RESEARCH & DEVELOPMENT, LLC, ET AL.,  
C.A. No. 3:17-00752  
BANDY, ET AL. v. JANSSEN RESEARCH & DEVELOPMENT, LLC, ET AL.,  
C.A. No. 3:17-00753  
WOODALL, ET AL. v. JANSSEN RESEARCH & DEVELOPMENT, LLC, ET AL.,  
C.A. No. 3:17-00754  
PIRTLE, ET AL. v. JANSSEN RESEARCH & DEVELOPMENT, LLC, ET AL.,  
C.A. No. 3:17-00755  
BRAUN, ET AL. v. JANSSEN RESEARCH & DEVELOPMENT, LLC, ET AL.,  
C.A. No. 3:17-00756  
ROLAND, ET AL. v. JANSSEN RESEARCH & DEVELOPMENT, LLC, ET AL.,  
C.A. No. 3:17-00757

**MDL No. 2599 – IN RE: TAKATA AIRBAG PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Carlee D. Laster, et al.; Christopher Gorgani; Behrad Aynehchi; and Alexander Pensado to transfer of their respective following actions to the United States District Court for the Southern District of Florida:

Central District of California

LASTER, ET AL. v. CARMAX AUTO SUPERSTORES WEST COAST, INC., ET AL.,  
C.A. No. 2:17-04834  
GORGANI v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,  
C.A. No. 2:17-04858  
AYNEHCHI v. RIVERSIDE METRO AUTO GROUP, LLC, ET AL.,  
C.A. No. 5:17-01298  
PENSADO v. PAG SANTA ANA AVW, INC., ET AL., C.A. No. 8:17-01131

MDL No. 2672 – **IN RE: VOLKSWAGEN "CLEAN DIESEL" MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Joshua Gunther, et al.; George Rebick, et al.; and Columbia Automotive, LLC, to transfer of their respective following actions to the United States District Court for the Northern District of California:

Southern District of Alabama

GUNTHER, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,  
C.A. No. 1:17-00275

Southern District of California

REBICK, ET AL. v. VOLKSWAGEN GROUP OF AMERICA, INC., ET AL.,  
C.A. No. 3:17-01247

Northern District of Georgia

COLUMBIA AUTOMOTIVE, LLC v. VOLKSWAGEN AG, ET AL.,  
C.A. No. 1:17-02461

MDL No. 2709 – **IN RE: DOLLAR GENERAL CORP. MOTOR OIL MARKETING AND SALES PRACTICES LITIGATION**

Oppositions of Hector H. Balderas to transfer of the following actions to the United States District Court for the Western District of Missouri:

District of New Mexico

DOLLAR GENERAL CORPORATION v. BALDERAS, C.A. No. 1:17-00588  
BALDERAS v. DOLGENCORP LLC, C.A. No. 1:17-00772

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

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

Eastern District of Missouri

RHODE, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-01554  
GALLARDO, ET AL. v. JOHNSON & JOHNSON, INC., ET AL., C.A. No. 4:17-01601  
THOMPSON, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-01654  
HOGANS, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-01842

LEWIS, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-01847  
AUSTIN, ET AL. v. JOHNSON & JOHNSON, INC., ET AL., C.A. No. 4:17-01848  
JINRIGHT, ET AL. v. JOHNSON & JOHNSON, INC., ET AL., C.A. No. 4:17-01849  
BUCHEK, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-01850  
MOORE, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-01856  
SCHMITZ, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-01860  
YOUNG, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 4:17-01861

District of Rhode Island

MCCARTY v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:17-00283

MDL No. 2740 – **IN RE: TAXOTERE (DOCETAXEL) PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Ora Johnson to transfer of the following action to the United States District Court for the Eastern District of Louisiana:

District of Delaware

JOHNSON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:17-00729

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

Oppositions of plaintiffs Donald T. Zilmer and Larry G. Curts to transfer of their respective following actions to the United States District Court for the Northern District of California:

District of Delaware

ZILMER v. MONSANTO COMPANY, C.A. No. 1:17-00783  
CURTS v. MONSANTO COMPANY, C.A. No. 1:17-00860

MDL No. 2744 – **IN RE: FCA US LLC MONOSTABLE ELECTRONIC GEARSHIFT LITIGATION**

Opposition of plaintiffs Larry Hammett, et al., to transfer of the following action to the United States District Court for the Eastern District of Michigan:

Northern District of Texas

HAMMETT, ET AL. v. FCA US LLC, C.A. No. 4:17-00578

MDL No. 2754 – **IN RE: ELIQUIS (APIXABAN) PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Southern District of New York:

Northern District of California

HALL v. MCKESSON CORPORATION, ET AL., C.A. No. 1:17-03781  
MOORE v. MCKESSON CORPORATION, ET AL., C.A. No. 3:17-03784

District of Delaware

NIESSNER v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00609  
HOLCOMB v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00610  
PETERSON v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00611  
KENNON v. BRISTOL-MEYERS SQUIBB CO., ET AL., C.A. No. 1:17-00612  
YOUNG v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00613  
TRACY v. BRISTOL-MEYERS SQUIBB CO., ET AL., C.A. No. 1:17-00614  
STRICKLIN v. BRISTOL-MEYERS SQUIBB CO., ET AL., C.A. No. 1:17-00615  
WHITE v. BRISTOL-MEYERS SQUIBB CO., ET AL., C.A. No. 1:17-00616  
STETLER v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00617  
SMALL, JR. v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00618  
MUSICK v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00619  
TANKERSLEY v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00620  
KELLEY v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00621  
MURRAY v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00622  
REDDEN v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00623  
BOOTH v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00624  
JACKSON v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00625  
FORTENBURY, ET AL. v. BRISTOL-MYERS SQUIBB CO., ET AL.,  
C.A. No. 1:17-00626  
LOFFREDO v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00627  
EZELL v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00628  
DIAZ, ET AL. v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00629  
DEHN v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00630  
GOMEZ v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00631  
GREEN v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00632  
VELLESES v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00633  
MOTHERSHED v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00634  
MCGRIFF v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00635  
SPANN v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00636  
BAKER v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00637  
HOOSER v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00638  
PARKER v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00639  
MESSER v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00640  
JONES v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-00641

KLINKHAMMER v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,

C.A. No. 1:17-00891

KEEBLE v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-00892

WAIRE v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-00901

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.