UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

DIRECT REPLY TO:

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June 14, 2007

NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: July 26, 2007

LOCATION OF HEARING SESSION: United States Courthouse
15th Floor Courtroom
300 South Fourth Street
Minneapolis, Minnesota 55415

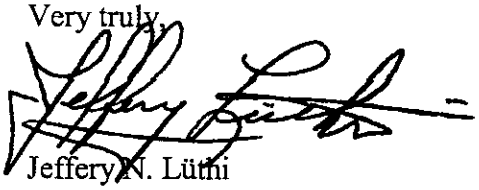
TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **July 9, 2007.** Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,



Jeffery N. Lüthi
Clerk of the Panel

c: Clerk, U.S. District Court for the District of Minnesota

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL, DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL

HEARING SESSION ORDER

IT IS ORDERED that on July 26, 2007, a hearing session will be held in Minneapolis, Minnesota, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session 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 at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating 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.

FOR THE PANEL:

Wm. Terrell Hodges
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION
July 26, 2007 -- Minneapolis, Minnesota

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1851 -- In re Desloratadine Patent Litigation

Motion of plaintiff Schering Corp. for centralization of the following actions in the United States District Court for the District of New Jersey:

Middle District of Florida

Schering Corp. v. GeoPharma, Inc., et al., C.A. No. 8:06-1843

Eastern District of Michigan

Schering Corp. v. Caraco Pharmaceutical Laboratories, Ltd., et al., C.A. No. 2:06-14386

District of New Jersey

Schering Corp. v. Zydus Pharmaceuticals, USA, Inc., et al., C.A. No. 3:06-4715

MDL-1852 -- In re Flash Memory Antitrust Litigation

Motion of defendants Samsung Semiconductor, Inc.; Hynix Semiconductor America, Inc.; Micron Technology, Inc.; Micron Semiconductor Products, Inc.; Hitachi America, Ltd.; and Renesas Technology America, Inc., for centralization of the following actions in a single United States district court:

Northern District of California

Jason Perkins v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1360
James Burt v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1388
TechToysForLess v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1418
Thomas Y. Huh v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1459
Fred W. Krahmer v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1460
Keith Alderman v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1489
Jacob Greenwell v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1524
Lynn Sweatman v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1613

MDL-1852 (Continued)

Northern District of California (Continued)

Carman Pellitteri v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1614
Kevin's Computer & Photo v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1665
Joseph P. Theisen v. Hitachi, Ltd., et al., C.A. No. 3:07-1680
George Davis v. Samsung Electronics Co., Ltd., et al., C.A. No. 3:07-1735
Trong Nguyen v. Samsung Electronics Co., Ltd., et al., C.A. No. 4:07-86
A Computer Place, Inc., et al. v. Samsung Electronics Co., Ltd., et al., C.A. No. 4:07-1020
Roxanne Miller v. Samsung Electronics Co., Ltd., et al., C.A. No. 4:07-1147
Peter Burke v. Samsung Electronics Co., Ltd., et al., C.A. No. 4:07-1236

Southern District of New York

Brian Levy v. Samsung Electronics Co., Ltd., et al., C.A. No. 1:07-2242

MDL-1853 -- In re The TJX Companies, Inc., Fair and Accurate Credit Transactions Act (FACTA) Litigation

Motion, as amended, of defendants Marshalls of CA, LLC; Marshall of MA, Inc.; T.J. Maxx of CA, LLC; and The TJX Companies, Inc., for centralization of the following actions in the United States District Court for the District of Kansas:

Central District of California

Jessica Clark v. Marshalls of MA, Inc., et al., C.A. No. 2:06-8135
Alis Bersekian v. TJ Maxx of CA, LLC, et al., C.A. No. 2:07-503

Northern District of Illinois

Monica Mendez v. The TJX Companies, Inc., C.A. No. 1:07-2486

District of Kansas

Lety Ramirez v. The TJX Companies, Inc., C.A. No. 2:07-2115

MDL-1853 (Continued)

District of Nevada

Amber Tolley-McNerney v. The TJX Companies, Inc., C.A. No. 3:07-91

District of Rhode Island

Margie Caranci v. Marshalls of MA, Inc., et al., C.A. No. 1:07-173

MDL-1854 -- In re Tyson Foods, Inc., Fair Labor Standards Act Litigation

Motion of defendants Tyson Foods, Inc.; Tyson Chicken, Inc.; and Tyson Farms, Inc., for centralization of the following actions in the United States District Court for the Northern District of Alabama:

Northern District of Alabama

Sheila Ackles, et al. v. Tyson Foods, Inc., C.A. No. 1:06-2249
Carol Ann Buchanan, et al. v. Tyson Chicken, Inc., et al., C.A. No. 1:06-4930
Florence Dobbins, et al. v. Tyson Chicken, Inc., et al., C.A. No. 4:06-4912
Roosevelt Potter, et al. v. Tyson Chicken, Inc., et al., C.A. No. 4:06-4931

Western District of Arkansas

Levette Adams, et al. v. Tyson Foods, Inc., C.A. No. 4:07-4019

Middle District of Georgia

Deltha McCluster, et al. v. Tyson Foods, Inc., C.A. No. 4:06-143
Sharon Mitchell v. Tyson Foods, Inc., C.A. No. 5:07-35
Wanda L. Atkins, et al. v. Tyson Foods, Inc., C.A. No. 5:07-84

Southern District of Indiana

Ava Joyner v. Tyson Foods, Inc., C.A. No. 1:07-141

MDL-1854 (Continued)

Western District of Kentucky

Janet Garrett v. Tyson Foods, Inc., C.A. No. 4:07-15

District of Maryland

Thomas Lee White v. Tyson Foods, Inc., C.A. No. 1:07-279

Southern District of Mississippi

Princess Brown v. Tyson Foods, Inc., C.A. No. 3:07-53
Addie Jones, et al. v. Tyson Foods, Inc., et al., C.A. No. 3:07-80
Lillie Williams, et al. v. Tyson Foods, Inc., et al., C.A. No. 3:07-87
J.D. Walton, et al. v. Tyson Foods, Inc., et al., C.A. No. 5:07-28

Western District of Missouri

Pamela Woodworth v. Tyson Foods, Inc., C.A. No. 3:07-5013

Eastern District of Oklahoma

Carol Balch, et al. v. Tyson Foods, Inc., C.A. No. 6:07-63

Eastern District of Texas

Winfred Earl v. Tyson Foods, Inc., C.A. No. 6:07-49

MDL-1855 -- In re Nissan North America, Inc., Odometer Litigation

Motion of defendant Nissan North America, Inc., for centralization of the following actions in the United States District Court for the Eastern District of Michigan:

District of Idaho

Philip King, et al. v. Nissan North America, Inc., et al., C.A. No. 1:07-68

Northern District of Illinois

Brian Yellen v. Nissan North America, Inc., et al., C.A. No. 1:07-513

Western District of Kentucky

Benita G. Simon, et al. v. Nissan North America, Inc., et al., C.A. No. 3:07-102

Eastern District of Texas

Rebecca Womack v. Nissan North America, Inc., et al., C.A. No. 2:06-479

MDL-1856 -- In re Depo-Provera Products Liability Litigation

Motion of plaintiffs Cindy Winward and Kimberly Cable for centralization of the following actions in the United States District Court for the District of New Jersey:

Northern District of California

Cindy Winward v. Pfizer Inc., et al., C.A. No. 4:07-878
Kimberly Cable v. Pfizer Inc., et al., C.A. No. 4:07-879

District of New Jersey

Priscilla D. Riddell, et al. v. Pfizer Inc., et al., C.A. No. 3:06-5418

MDL-1857 -- In re Schering Marketing and Sales Practices Litigation (No. II)

Motion of plaintiffs Beryl A'Dare Bratton, et al., for centralization of the following actions in the United States District Court for the District of Arizona or, in the alternative, the United States District Court for the District of Massachusetts:

District of Arizona

Beryl A'Dare Bratton, et al. v. Schering-Plough Corp., et al., C.A. No. 2:07-653

District of New Jersey

International Brotherhood of Teamsters Local No. 331 Health & Welfare Trust Fund, et al. v. Schering Plough Corp., et al., C.A. No. 2:06-5774

MDL-1859 -- In re Vitamin Shoppe Marketing and Sales Practices Litigation

Motion of plaintiffs Catherine Guittard, et al., for centralization of the following actions in the United States District Court for the District of New Jersey:

Northern District of California

Sara Pineda, et al. v. Vitamin Shoppe Industries, Inc., C.A. No. 3:07-1533

Southern District of California

Sharilyn B. Castro v. Vitamin Shoppe Industries, Inc., C.A. No. 3:07-135

District of New Jersey

Elena Klyachman v. The Vitamin Shoppe, et al., C.A. No. 2:07-1528
Catherine Guittard, et al. v. Vitamin Shoppe Industries, Inc., C.A. No. 2:07-1827

MDL-1860 -- In re American Equity Deferred Annuity Marketing and Sales Practices Litigation

Motion of plaintiff Mary H. Bendzak for centralization of the following actions in the United States District Court for the Southern District of Iowa:

Central District of California

Bernard McCormack v. American Equity Investment Life Insurance Co., et al., C.A. No. 2:05-6735
Gust Anagnostis, et al. v. American Equity Investment Life Insurance Co., et al., C.A. No. 2:06-388

Southern District of Iowa

Mary H. Bendzak v. American Equity Investment Life Insurance Co., C.A. No. 4:06-340

MDL-1861 -- In re Wellnx Marketing and Sales Practices Litigation

Motion of defendants Wellnx Life Sciences Inc., Derek Woodgate, Brad Woodgate, and Scott Welch for centralization of the following actions in the United States District Court for the District of Maryland:

District of Arizona

Diandra Johnson, et al. v. NxCare, Inc., et al., C.A. No. 4:07-69

Central District of California

Giselle Rideaux, et al. v. NxCare, Inc., et al., C.A. No. 2:07-2399

Middle District of Georgia

Tammy M. Britton v. NxCare, Inc., et al., C.A. No. 4:07-61

District of Kansas

Cindy Dias, et al. v. NxCare, Inc., et al., C.A. No. 2:07-2066

MDL-1861 (Continued)

District of Maryland

Dana Weeks v. NxCare, Inc., et al., C.A. No. 1:07-367

Western District of Missouri

Christine Bartell, et al. v. NxCare, Inc., et al., C.A. No. 6:07-3050

District of Nevada

Olivia Daniel, et al. v. NxCare, Inc., et al., C.A. No. 2:07-482

Eastern District of North Carolina

Mary Cobb v. NxCare, Inc., et al., C.A. No. 4:07-50

Eastern District of Tennessee

Christy Lee Adkins, et al. v. NxCare, Inc., et al., C.A. No. 3:07-63

MDL-1862 -- In re Vonage Marketing and Sales Practices Litigation

Motion of plaintiffs Budd Nahay, et al., for centralization of the following actions in the United States District Court for the District of New Jersey:

Central District of California

Kai Porter v. Vonage Holdings Corp., et al., C.A. No. 2:07-1850

Southern District of California

Alex Nevelson v. Vonage Holdings Corp., C.A. No. 3:07-732

MDL-1862 (Continued)

District of New Jersey

Budd Nahay, et al. v. Vonage America, Inc., et al., C.A. No. 3:06-5801

Western District of Washington

Darlene Pennock v. Vonage America, Inc., et al., C.A. No. 2:07-320

MDL-1863 -- In re The Paradies Shops, Inc., Fair and Accurate Credit Transactions Act (FACTA) Litigation

Motion of plaintiff Melanie A. Klingensmith for centralization of the following actions in the United States District Court for the Western District of Pennsylvania:

Central District of California

Paul Kelly v. The Paradies Shops, Inc., C.A. No. 2:07-1294

Western District of Pennsylvania

Melanie A. Klingensmith v. The Paradies Shops, Inc., C.A. No. 2:07-322

MDL-1864 -- In re Charlotte Russe, Inc., Fair and Accurate Credit Transactions Act (FACTA) Litigation

Motion of defendant Charlotte Russe, Inc., for centralization of the following actions in the United States District Court for the Central District of California:

Central District of California

Frida Najarian v. Charlotte Russe, Inc., et al., C.A. No. 2:07-501

Western District of Pennsylvania

Alison Lampenfeld v. Charlotte Russe Holding, Inc., et al., C.A. No. 2:07-355

MDL-1865 -- In re Household Goods Movers Antitrust Litigation

Motion of plaintiffs Donald J. Beach, et al., for centralization of the following actions in the United States District Court for the District of South Carolina:

Northern District of Illinois

Gary Moad, et al. v. Atlas Van Lines, Inc., et al., C.A. No. 1:07-2506

District of South Carolina

Donald J. Beach, et al. v. Atlas Van Lines, Inc., et al., C.A. No. 2:07-764

MDL-1866 -- In re Brimonidine Patent Litigation

Motion of Allergan, Inc., for centralization of the following actions in the United States District Court for the District of Delaware:

Central District of California

Allergan, Inc. v. Exela Pharmsci, Inc., et al., C.A. No. 2:07-1967

District of Delaware

Allergan, Inc. v. Apotex, Inc., et al., C.A. No. 1:07-278

Eastern District of Virginia

Exela Pharmsci, Inc. v. Allergan, Inc., C.A. No. 1:07-338

MDL-1867 -- In re General Motors OnStar Contract Litigation

Motion of defendants OnStar Corp. and General Motors Corp. for centralization of the following actions in the United States District Court for the Eastern District of Michigan:

Northern District of California

Margaret A. Gonzales, et al. v. General Motors Corp, et al., C.A. No. 3:07-2580

Eastern District of Michigan

Howard Morris, et al. v. General Motors Corp., C.A. No. 2:07-11830
Robert C. Weaver v. OnStar Corp., et al., C.A. No. 4:07-12036

Eastern District of Pennsylvania

Robert G. Gordon, et al. v. OnStar Corp., et al., C.A. No. 2:07-1602

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Oppositions of plaintiffs Edward McIntyre; Mary M. Collins, etc.; Carol Durbin, etc.; Alan Nussbaum, et al.; Robert L. Reeves; and Patrick L. Kroske to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Northern District of California

Edward McIntyre v. Warren Pumps, LLC, C.A. No. 3:06-6301

District of Delaware

Mary M. Collins, etc. v. Metropolitan Life Insurance Co., et al., C.A. No. 1:07-149

Central District of Illinois

Carol Durbin, etc. v. Pneumo-Abex Corp., et al., C.A. No. 1:07-1037
Alan Nussbaum, et al. v. Pneumo-Abex Corp., et al., C.A. No. 1:07-1038

Southern District of Mississippi

Robert L. Reeves v. Afton Pumps, Inc., et al., C.A. No. 1:07-141

Western District of Missouri

Patrick L. Kroske v. Union Carbide Corp., et al., C.A. No. 4:07-184

MDL-1373 -- In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation

Opposition of plaintiffs Monica Del Carmen Gonzalez-Servin, et al., to transfer of the following action to the United States District Court for the Southern District of Indiana:

District of South Dakota

Monica Del Carmen Gonzalez-Servin, et al. v. Ford Motor Co., et al., C.A. No. 1:05-1023

MDL-1472 -- In re Global Crossing Ltd. Securities & "ERISA" Litigation

Opposition of defendants Citigroup, Inc.; Salomon Smith Barney, Inc.; and Jack Grubman to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Central District of California:

Southern District of New York

Abe Nachom v. Citigroup, Inc., et al., C.A. No. 1:03-4521 (C.D. California, C.A. No. 2:03-520)

MDL-1535 -- In re Welding Fume Products Liability Litigation

Opposition of plaintiffs Christopher Painter, et al., to transfer of the following action to the United States District Court for the Northern District of Ohio:

Southern District of California

Christopher Painter, et al. v. BOC Group, Inc., et al., C.A. No. 3:07-659

MDL-1566 -- In re Western States Wholesale Natural Gas Antitrust Litigation

Opposition of plaintiffs Heartland Regional Medical Center, et al., to transfer of the following action to the United States District Court for the District of Nevada:

Western District of Missouri

Heartland Regional Medical Center, et al. v. ONEOK, Inc., et al., C.A. No. 5:07-6048

MDL-1596 -- In re Zyprexa Products Liability Litigation

Oppositions of defendants Paul B. Andelin, M.D. and Ralph A. Schmitz, M.D. to transfer of the following action to the United States District Court for the Eastern District of New York:

Western District of Missouri

Gail Eaton v. Eli Lilly & Co., et al., C.A. No. 3:07-5026

MDL-1596 -- In re Zyprexa Products Liability Litigation
MDL-1769 -- In re Seroquel Products Liability Litigation

Opposition of plaintiff Commonwealth of Pennsylvania to transfer of the following action to the United States District Court for the Eastern District of New York in MDL-1596 and to the United States District Court for the Middle District of Florida in MDL-1769:

Eastern District of Pennsylvania

Commonwealth of Pennsylvania v. Eli Lilly & Co., et al., C.A. No. 2:07-1083

MDL-1604 -- In re Ocwen Federal Bank FSB Mortgage Servicing Litigation

Oppositions of plaintiffs Kathy Baham, etc.; Charles Gray, et al.; Mark Simpson, et al.; Rafael Garcia, et al.; and Lynette Brooks to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

Northern District of Texas

Kathy Baham, etc. v. Ocwen Loan Servicing, LLC, et al., C.A. No. 3:07-404
Charles Gray, et al. v. Ocwen Loan Servicing, LLC, et al., C.A. No. 4:07-156
Mark Simpson, et al. v. Ocwen Federal Bank, FSB, et al., C.A. No. 5:07-40

Southern District of Texas

Rafael Garcia, et al. v. Ocwen Loan Servicing, LLC, C.A. No. 2:07-109

Western District of Texas

Lynette Brooks v. Ocwen Loan Servicing, LLC, et al., C.A. No. 1:07-172

MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability Litigation

Oppositions of plaintiffs Michael C. Valle; Ben Orpilla; Richard Booth, et al.; and Donald Brumfield, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Central District of California

Michael C. Valle v. Merck & Co., Inc., C.A. No. 2:07-837

Southern District of California

Ben Orpilla v. Merck & Co., Inc., et al., C.A. No. 3:06-2162

District of Nevada

Richard Booth, et al. v. Merck & Co., Inc., et al., C.A. No. 2:07-470

MDL-1657 (Continued)

Southern District of West Virginia

Donald Brumfield, et al. v. Merck & Co., Inc., C.A. No. 5:07-89

MDL-1699 -- In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation

Oppositions of plaintiffs James Darty and Tammy Shea Brady, etc., to transfer of their respective following actions to the United States District Court for the Northern District of California:

Northern District of Alabama

James Darty v. G.D. Searle, LLC, et al., C.A. No. 2:07-671

Western District of Kentucky

Tammy Shea Brady, etc. v. Pfizer Inc., et al., C.A. No. 3:07-206

MDL-1708 -- In re Guidant Corp. Implantable Defibrillators Products Liability Litigation

Opposition of plaintiff Eluterio Vela to transfer of the following action to the United States District Court for the District of Minnesota:

Southern District of Texas

Eluterio Vela v. Guidant Corp., et al., C.A. No. 7:07-47

MDL-1715 -- In re Ameriquest Mortgage Co. Mortgage Lending Practices Litigation

Oppositions of plaintiffs Paula Rubijono; Lorene Elders; and Porter Stadaker, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

District of Massachusetts

Paula Rubijono v. Ameriquest Mortgage Co., Bky. Advy. No. 1:07-1076

Eastern District of Pennsylvania

Lorene Elders v. Ameriquest Mortgage Co., C.A. No. 2:06-5274

Middle District of Tennessee

Porter Stadaker, et al. v. Ameriquest Mortgage Co., C.A. No. 3:07-409

MDL-1718 -- In re Ford Motor Co. Speed Control Deactivation Switch Products Liability Litigation

Opposition of plaintiff State Farm Mutual Automobile Insurance Co., etc., to transfer of the following action to the United States District Court for the Eastern District of Michigan:

Central District of Illinois

State Farm Mutual Automobile Insurance Co., etc. v. Ford Motor Co.,
C.A. No. 3:07-3063

MDL-1726 -- In re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation

Oppositions of plaintiffs Robert W. Sims and Ola Marie Malone to transfer of their respective following actions to the United States District Court for the District of Minnesota:

Eastern District of Pennsylvania

Robert W. Sims v. Medtronic, Inc., C.A. No. 2:07-1573

MDL-1726 (Continued)

Southern District of Texas

Ola Marie Malone v. Medtronic, Inc., C.A. No. 4:07-813

MDL-1742 -- In re Ortho Evra Products Liability Litigation

Opposition of plaintiff Angela Massey to transfer of the following action to the United States District Court for the Northern District of Ohio:

Southern District of Mississippi

Angela Massey v. Johnson & Johnson, et al., C.A. No. 3:07-164

MDL-1785 -- In re Bausch & Lomb Inc. Contact Lens Solution Products Liability Litigation

Oppositions of plaintiffs Sally Santmyer, Michael Terney, and Nancie Drake to transfer of their respective following actions to the United States District Court for the District of South Carolina:

Central District of California

Sally Santmyer v. Bausch & Lomb, Inc., C.A. No. 8:07-196

Northern District of Mississippi

Michael Terney v. Bausch & Lomb, Inc., C.A. No. 2:07-45

Eastern District of Texas

Nancie Drake v. Bausch & Lomb, Inc., C.A. No. 6:07-201

PROCEDURES FOR ORAL ARGUMENT BEFORE THE
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re "East of the Rockies" Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page 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 filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that 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 in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.