

Schedule of Matters for Hearing Session, Section B
Las Vegas, Nevada

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MDL-1763 -- In re Human Tissue Products Liability Litigation

Opposition of plaintiff Sherryl Jean Thornton to transfer of the following action to the United States District Court for the District of New Jersey:

Northern District of Alabama

Sherryl Jean Thornton v. Michael Mastromarino, et al., C.A. No. 1:06-4899

MDL-1781 -- In re Cintas Corp. Overtime Pay Arbitration Litigation

Opposition of respondents in all actions to remand, under 28 U.S.C. § 1407(a), of the following actions to their respective transferor courts:

Northern District of California

Cintas Corp. v. Randall M. Cornelius, et al., C.A. No. 4:06-5078 (M.D. Alabama, C.A. No. 2:06-227)
Cintas Corp. v. Darren Mitchell Anderson, et al., C.A. No. 4:06-5079 (N.D. Alabama, C.A. No. 2:06-492)
Cintas Corp. v. Ramon J. Baudier, Jr., et al., C.A. No. 4:06-5080 (S.D. Alabama, C.A. No. 1:06-148)
Cintas Corp. v. Robert J. Abel, et al., C.A. No. 4:06-5081 (D. Arizona, C.A. No. 2:06-693)
Cintas Corp. v. Roberto Carlos Alegria, et al., C.A. No. 4:06-5082 (C.D. California, C.A. No. 2:06-1750)
Cintas Corp. v. Ronald Arvizu, et al., C.A. No. 4:06-5083 (E.D. California, C.A. No. 2:06-611)
Cintas Corp. v. Daniel E. Ainsworth, et al., C.A. No. 4:06-5084 (S.D. California, C.A. No. 3:06-632)
Cintas Corp. v. John D. Bickham, et al., C.A. No. 4:06-5085 (D. Colorado, C.A. No. 1:06-427)
Cintas Corp. v. Eugene Christensen, et al., C.A. No. 4:06-5086 (D. Connecticut, C.A. No. 3:06-360)
Cintas Corp. v. Charles Leroy Gray, et al., C.A. No. 4:06-5087 (D. Delaware, C.A. No. 1:06-162)
Cintas Corp. v. Alice Allen, et al., C.A. No. 4:06-5088 (M.D. Florida, C.A. No. 8:06-400)
Cintas Corp. v. Joseph Frazier, et al., C.A. No. 4:06-5089 (N.D. Florida, C.A. No. 3:06-103)

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MDL-1781 (Continued)

Northern District of California (Continued)

- Cintas Corp. v. David J. Abrahamsen, et al.*, C.A. No. 4:06-5090 (S.D. Florida, C.A. No. 0:06-60310)
Cintas Corp. v. Matthew J. DeFelix, et al., C.A. No. 4:06-5091 (M.D. Georgia, C.A. No. 1:06-38)
Cintas Corp. v. Jeffrey Aybar, et al., C.A. No. 4:06-5092 (N.D. Georgia, C.A. No. 1:06-569)
Cintas Corp. v. Joe L. Banks, et al., C.A. No. 4:06-5093 (S.D. Georgia, C.A. No. 1:06-35)
Cintas Corp. v. David DeBilzan, et al., C.A. No. 4:06-5094 (D. Idaho, C.A. No. 1:06-104)
Cintas Corp. v. James Allen Burress, et al., C.A. No. 4:06-5095 (C.D. Illinois, C.A. No. 1:06-1068)
Cintas Corp. v. Vince Agozzino, et al., C.A. No. 4:06-5096 (N.D. Illinois, C.A. No. 1:06-1343)
Cintas Corp. v. James Atkins, et al., C.A. No. 4:06-5097 (N.D. Indiana, C.A. No. 2:06-85)
Cintas Corp. v. Ryan Albright, et al., C.A. No. 4:06-5098 (S.D. Indiana, C.A. No. 1:06-401)
Cintas Corp. v. Donald Allen Griffin, et al., C.A. No. 4:06-5099 (S.D. Iowa, C.A. No. 4:06-91)
Cintas Corp. v. Matthew L. Blackman, et al., C.A. No. 4:06-5100 (D. Kansas, C.A. No. 2:06-2091)
Cintas Corp. v. Danny L. Brown, et al., C.A. No. 4:06-5101 (E.D. Kentucky, C.A. No. 2:06-52)
Cintas Corp. v. Jason Agostini, et al., C.A. No. 4:06-5102 (W.D. Kentucky, C.A. No. 3:06-131)
Cintas Corp. v. Jack Addison, et al., C.A. No. 4:06-5103 (E.D. Louisiana, C.A. No. 2:06-1247)
Cintas Corp. v. Gustave Fontenot, Jr., et al., C.A. No. 4:06-5104 (M.D. Louisiana, C.A. No. 3:06-188)
Cintas Corp. v. Ivan Edward Avery, et al., C.A. No. 4:06-5105 (W.D. Louisiana, C.A. No. 6:06-391)
Cintas Corp. v. Randall Bowles, et al., C.A. No. 4:06-5106 (D. Maine, C.A. No. 2:06-55)

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Northern District of California (Continued)

- Cintas Corp. v. Joe Andrews, et al.*, C.A. No. 4:06-5107 (D. Maryland,
C.A. No. 8:06-641)
- Cintas Corp. v. Philip Daniel Blaisdell, et al.*, C.A. No. 4:06-5108 (D. Massachusetts,
C.A. No. 1:06-10442)
- Cintas Corp. v. Brandon Alioto, et al.*, C.A. No. 4:06-5109 (E.D. Michigan,
C.A. No. 2:06-11043)
- Cintas Corp. v. Travis M. Ault, et al.*, C.A. No. 4:06-5110 (W.D. Michigan,
C.A. No. 1:06-180)
- Cintas Corp. v. John Callahan, et al.*, C.A. No. 4:06-5111 (D. Minnesota,
C.A. No. 0:06-1012)
- Cintas Corp. v. Gregory Cole Bigbee, et al.*, C.A. No. 4:06-5112 (S.D. Mississippi,
C.A. No. 3:06-137)
- Cintas Corp. v. Relton Barnes, et al.*, C.A. No. 4:06-5113 (E.D. Missouri,
C.A. No. 4:06-450)
- Cintas Corp. v. Randall Adams, et al.*, C.A. No. 4:06-5114 (W.D. Missouri,
C.A. No. 4:06-208)
- Cintas Corp. v. Jeffrey Anderson, et al.*, C.A. No. 4:06-5115 (D. Nebraska,
C.A. No. 8:06-262)
- Cintas Corp. v. Anthony Dean Hamby, et al.*, C.A. No. 4:06-5116 (D. Nevada,
C.A. No. 2:06-300)
- Cintas Corp. v. Joseph Allen, et al.*, C.A. No. 4:06-5117 (D. New Jersey,
C.A. No. 2:06-1164)
- Cintas Corp. v. Tony L. Bostick, et al.*, C.A. No. 4:06-5119 (D. New Mexico,
C.A. No. 1:06-185)
- Cintas Corp. v. Troy Amott, et al.*, C.A. No. 4:06-5120 (E.D. New York,
C.A. No. 1:06-1105)
- Cintas Corp. v. Hugh J. Kingsley, et al.*, C.A. No. 4:06-5121 (N.D. New York,
C.A. No. 5:06-311)
- Cintas Corp. v. Louis Alves, et al.*, C.A. No. 4:06-5122 (S.D. New York,
C.A. No. 1:06-1933)
- Cintas Corp. v. Robert F. Bowles, Jr., et al.*, C.A. No. 4:06-5123 (W.D. New York,
C.A. No. 6:06-6147)
- Cintas Corp. v. Matthew Anderson, et al.*, C.A. No. 4:06-5124 (E.D. North Carolina,
C.A. No. 5:06-113)

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Northern District of California (Continued)

- Cintas Corp. v. Gus Aranegui, et al.*, C.A. No. 4:06-5126 (M.D. North Carolina, C.A. No. 1:06-225)
Cintas Corp. v. Jonathan Allred, et al., C.A. No. 4:06-5127 (W.D. North Carolina, C.A. No. 3:06-114)
Cintas Corp. v. Bradley Agler, et al., C.A. No. 4:06-5128 (N.D. Ohio, C.A. No. 3:06-7083)
Cintas Corp. v. Donald Adkins, et al., C.A. No. 4:06-5129 (S.D. Ohio, C.A. No. 1:06-126)
Cintas Corp. v. Robert Hall, et al., C.A. No. 4:06-5130 (E.D. Oklahoma, C.A. No. 6:06-97)
Cintas Corp. v. Brent Berna, et al., C.A. No. 4:06-5131 (N.D. Oklahoma, C.A. No. 4:06-148)
Cintas Corp. v. Raymond Mac Harris, Jr., et al., C.A. No. 4:06-5132 (W.D. Oklahoma, C.A. No. 5:06-247)
Cintas Corp. v. Dennis Bassett, et al., C.A. No. 4:06-5133 (D. Oregon, C.A. No. 6:06-335)
Cintas Corp. v. Kenneth W. Baptist, et al., C.A. No. 4:06-5134 (E.D. Pennsylvania, C.A. No. 2:06-1053)
Cintas Corp. v. Brian Ash, et al., C.A. No. 4:06-5135 (M.D. Pennsylvania, C.A. No. 3:06-517)
Cintas Corp. v. Christopher Derenzo, et al., C.A. No. 4:06-5136 (W.D. Pennsylvania, C.A. No. 2:06-324)
Cintas Corp. v. Joseph E. Edwards, et al., C.A. No. 4:06-5137 (D. Rhode Island, C.A. No. 1:06-112)
Cintas Corp. v. Thomas Eugene Alert, et al., C.A. No. 4:06-5138 (D. South Carolina, C.A. No. 3:06-762)
Cintas Corp. v. Stephen Barlow, et al., C.A. No. 4:06-5139 (E.D. Texas, C.A. No. 1:06-137)
Cintas Corp. v. Bryan Armstrong, et al., C.A. No. 4:06-5140 (N.D. Texas, C.A. No. 3:06-432)
Cintas Corp. v. Judd Allen, et al., C.A. No. 4:06-5141 (S.D. Texas, C.A. No. 4:06-824)
Cintas Corp. v. Issac Anaya, et al., C.A. No. 4:06-5142 (W.D. Texas, C.A. No. 5:06-216)
Cintas Corp. v. Wade Bell, et al., C.A. No. 4:06-5143 (D. Utah, C.A. No. 2:06-205)

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Northern District of California (Continued)

Cintas Corp. v. John O. Ansink, Jr., et al., C.A. No. 4:06-5144 (E.D. Virginia,
C.A. No. 1:06-267)

Cintas Corp. v. Nelson Carter, Jr., C.A. No. 4:06-5145 (W.D. Virginia,
C.A. No. 5:06-23)

Cintas Corp. v. Scott Burgess, et al., C.A. No. 4:06-5146 (E.D. Washington,
C.A. No. 2:06-3023)

Cintas Corp. v. Michael Anderson, et al., C.A. No. 4:06-5147 (W.D. Washington,
C.A. No. 2:06-332)

Cintas Corp. v. Nathan J. Andree, et al., C.A. No. 4:06-5148 (E.D. Wisconsin,
C.A. No. 2:06-303)

Cintas Corp. v. Chris Brown, et al., C.A. No. 4:06-5149 (W.D. Wisconsin,
C.A. No. 3:06-133)

MDL-1789 -- In re Fosamax Products Liability Litigation

Opposition of plaintiff Mary Ellen Potgieter to transfer of the following action to the
United States District Court for the Southern District of New York:

District of New Jersey

Mary Ellen Potgieter v. Merck & Co., Inc., C.A. No. 2:07-2

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.

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(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.