

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
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October 17, 2006

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: November 30, 2006

LOCATION OF HEARING SESSION: Thomas F. Eagleton United States Courthouse
Ceremonial Courtroom, 28th Floor
111 South Tenth Street
St. Louis, Missouri 63102

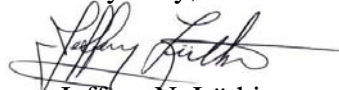
TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

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 **November 13, 2006**. 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 Eastern District of Missouri

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

OCTOBER 17, 2006

JEFFERY N. LÜTHI
CLERK OF THE PANEL

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 November 30, 2006, a hearing session will be held in St. Louis, Missouri, 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
November 30, 2006 -- St. Louis, Missouri

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1798 -- In re Long-Distance Telephone Service Federal Excise Tax Refund Litigation

Motion of plaintiff Neiland Cohen for centralization of the following actions in the United States District Court for the Eastern District of Wisconsin:

Central District of California

Oscar Gurrola, et al. v. United States of America, et al., C.A. No. 2:06-3425

District of District of Columbia

Virginia Sloan, et al. v. United States of America, C.A. No. 1:06-483

Court of Federal Claims

Radioshack Corp. v. United States of America, C.A. No. 1:06-28

Eastern District of Wisconsin

Neiland Cohen v. United States of America, C.A. No. 2:05-1237

MDL-1799 -- In re Vonage Initial Public Offering (IPO) Securities Litigation

Motion of defendants Citigroup Global Markets, Inc.; Deutsche Bank Securities, Inc.; UBS Securities LLC; Bear Stearns & Co., Inc.; Piper Jaffray & Co.; and Thomas Weisel Partners LLC for centralization of the following actions in a single United States district court:

District of New Jersey

Roy Bradley Lang, III v. Vonage Holdings Corp., et al., C.A. No. 3:06-2500
Kevin Gibbons v. Vonage Holdings Corp., et al., C.A. No. 3:06-2531
Sherwin Newborn v. Vonage Holdings Corp., et al., C.A. No. 3:06-2631
Douglas M. Werman v. Vonage Holdings Corp., et al., C.A. No. 3:06-2634
Marvin Wong, et al. v. Vonage Holdings Corp., et al., C.A. No. 3:06-2666
Susana Shafir v. Vonage Holdings Corp., et al., C.A. No. 3:06-2735
Michael Haber v. Vonage Holdings Corp., et al., C.A. No. 3:06-2765
Marc Weinberg v. Vonage Holdings Corp., et al., C.A. No. 3:06-2773
Jitendra Bansal v. Vonage Holdings Corp., et al., C.A. No. 3:06-2961
Moses Greenfield v. Vonage Holdings Corp., et al., C.A. No. 3:06-3023
Mark Goldman v. Vonage Holdings Corp., et al., C.A. No. 3:06-3032
Navaid Alam v. Vonage Holdings Corp., et al., C.A. No. 3:06-3039
Eric Bernath v. Vonage Holdings Corp., et al., C.A. No. 3:06-3066
Steven R. Norsworthy v. Vonage Holdings Corp., et al., C.A. No. 3:06-3192
Albert So v. Vonage Holdings Corp., et al., C.A. No. 3:06-3237

Eastern District of New York

Marc Rovner v. Vonage Holdings Corp., et al., C.A. No. 1:06-3403

MDL-1800 -- In re Michael L. Buesgens Litigation

Motion of plaintiff Michael L. Buesgens for centralization of the following actions in the United States District Court for the District of District of Columbia:

District of District of Columbia

Michael L. Buesgens v. United States of America, et al., C.A. No. 1:06-1558

MDL-1800 (Continued)

Western District of Texas

Michael L. Buesgens v. John W. Snow, C.A. No. 1:05-243

Michael L. Buesgens v. Falcon Ridge Apartments, et al., C.A. No. 1:06-226

MDL-1801 -- In re BP Products North America, Inc., Antitrust Litigation

Motion of plaintiff Craig Ridgway for centralization of the following actions in the United States District Court for the Western District of Oklahoma:

Northern District of Illinois

Richard Dennison, et al. v. BP Products North America, Inc., et al., C.A. No. 1:06-3541

Donald Terry, et al. v. BP Products North America, Inc., C.A. No. 1:06-3551 *Myles*

Levin v. BP Products North America, Inc., C.A. No. 1:06-3570

Schagringas Co. v. BP Products North America, Inc., et al., C.A. No. 1:06-3621

Michael Withum v. BP Products North America, Inc., C.A. No. 1:06-3744

Deborah Cassells, et al. v. BP Products North America, Inc., et al., C.A. No. 1:06-3837

Styer Propane, LLC v. BP Products North America, Inc., C.A. No. 1:06-3871

Southern District of New York

Thomas Fullam, et al. v. BP Products North America, Inc., C.A. No. 1:06-5092

Western District of Oklahoma

Craig Ridgway v. BP Products North America, Inc., C.A. No. 5:06-765

MDL-1802 -- In re Merrill Lynch Wage and Hour Employment Practices Litigation

Motion of defendant Merrill Lynch, Pierce, Fenner & Smith, Inc., for centralization of the following actions in the United States District Court for the Southern District of New York:

District of New Jersey

David Bachrach v. Merrill Lynch, Pierce, Fenner & Smith, Inc., C.A. No. 2:06-2786

Eastern District of New York

Anthony Palumbo, et al. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.,

C.A. No. 2:06-2104

Andrea Loughlin, et al. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.,

C.A. No. 2:06-2835

Eastern District of Pennsylvania

Edward France v. Merrill Lynch, Pierce, Fenner & Smith, Inc., C.A. No. 2:06-782

Eastern District of Washington

Edward C. Reinhart v. Merrill Lynch, Pierce, Fenner & Smith, Inc.,

C.A. No. 2:06-3038

MDL-1803 -- In re Banc of America Investment Services, Inc., Overtime Pay

Motion of plaintiffs Irene Sinow, et al., and Ina C. Fryer for centralization of the following actions in the United States District Court for the Southern District of New York:

Central District of California

James Karim, et al. v. Banc of America Investment Services, Inc., C.A. No. 8:06-167

MDL-1803 (Continued)

Northern District of California

Irene Sinow, et al. v. Banc of America Investment Services, Inc., et al.,
C.A. No. 3:06-4466

Eastern District of New York

Ina C. Fryer v. Banc of America Investment Services, Inc., et al., C.A. No. 2:06-2664

Southern District of New York

Dante DiFrancesco v. Banc of America Investment Services, Inc., et al.,
C.A. No. 1:05-9749

MDL-1804 -- In re Stand 'n Seal Products Liability Litigation

Motion of defendants Roanoke Companies Group, Inc.; Home Depot U.S.A., Inc.; Innovative Chemical Technologies, Inc.; Aerofil Technology, Inc.; and SLR, Inc., for centralization of the following actions in the United States District Court for the Northern District of Iowa, or in the alternative, the United States District Court for the Northern District of Georgia:

District of Colorado

Erika Wong v. Roanoke Companies Group, Inc., et al., C.A. No. 1:06-1485

Middle District of Florida

Emily Willis, etc. v. Home Depot U.S.A., Inc., et al., C.A. No. 8:06-745

Southern District of Florida

Gerald Williams v. Roanoke Companies Group, Inc., et al., C.A. No. 0:06-60926

MDL-1804 (Continued)

Northern District of Georgia

James Flynn, et al. v. Roanoke Companies Group, Inc., et al., C.A. No. 1:06-1809

Northern District of Iowa

Patricia Kayser, etc. v. Home Depot U.S.A., Inc., et al., C.A. No. 2:06-1006

Western District of Kentucky

Colby Norris v. Color Caulk, et al., C.A. No. 1:06-89

Michael Lenhart v. Roanoke Companies Group, Inc., et al., C.A. No. 3:06-383

Eastern District of New York

Christopher Szczepanski, et al. v. Roanoke Companies Group, Inc., et al.,
C.A. No. 2:06-3213

Western District of Texas

Katherine Stolte v. Roanoke Companies Group, Inc., et al., C.A. No. 5:05-1013

David Koehler, et al. v. Roanoke Companies Group, Inc., et al., C.A. No. 5:06-556

Julia C. Lilley v. Roanoke Companies Group, Inc., et al., C.A. No. 5:06-643

MDL-1805 -- In re Agfa Corp. Photographic Equipment Lease Litigation

Motion of plaintiffs Douglas Vieau, et al., and defendants/third party plaintiffs Richfield One Hour Photo Corporation; Larry Eastman; Linda M. Eastman; and Leaf Funding, Inc., for centralization of the following actions in the United States District Court for the District of Massachusetts:

District of Massachusetts

Leaf Funding, Inc. v. Donald Bakewell, et al., C.A. No. 1:06-10478

MDL-1805 (Continued)

District of Massachusetts (Continued)

Leaf Funding, Inc. v. Thomas C. Powell, et al., C.A. No. 1:06-10526
Leaf Funding, Inc. v. Paula Carroll, et al., C.A. No. 1:06-10616
Leaf Funding, Inc. v. Westchester Camera Exchange, Inc., C.A. No. 1:06-10617
Leaf Funding, Inc. v. Paula Carroll, et al., C.A. No. 1:06-10710
Leaf Funding, Inc. v. Jabak Corp., et al., C.A. No. 1:06-10782
Douglas Vieau, et al. v. Agfa Corp., et al., C.A. No. 1:06-11320

District of Minnesota

Leaf Funding, Inc. v. Richfield One Hour Photo Corp., et al., C.A. No. 0:06-3187

MDL-1806 -- In re Morgan Stanley & Co., Inc., Overtime Pay Litigation (No. II)

Motion of plaintiffs Joseph Stowell, Jr., and Kyle R. Armitage for centralization of the following actions in the United States District Court for the Northern District of Illinois:

District of Connecticut

Janemarie Lenihan v. Morgan Stanley & Co., Inc., et al., C.A. No. 3:06-794

Southern District of Florida

Jennifer Taub v. Morgan Stanley DW, Inc., C.A. No. 0:06-60921

Central District of Illinois

Joseph Stowell, Jr. v. Morgan Stanley DW, Inc., C.A. No. 1:06-1219

District of New Jersey

Robert Steinberg v. Morgan Stanley & Co., Inc., et al., C.A. No. 2:05-4856

MDL-1806 (Continued)

Eastern District of New York

Paul Roles v. Morgan Stanley & Co., Inc., et al., C.A. No. 2:05-4553

Southern District of New York

David Andrew Gasman, et al. v. Morgan Stanley, C.A. No. 1:05-7889

Eastern District of Texas

Kyle R. Armitage v. Morgan Stanley & Co., Inc., C.A. No. 1:06-347

MDL-1807 -- In re Wachovia Securities, LLC, Wage and Hour Litigation

Motion of plaintiffs George Keim, Anthony J. Mooney, and Bruce Barron for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Middle District of Florida

George Keim v. Wachovia Securities, LLC, C.A. No. 8:06-1565

Northern District of Illinois

Anthony J. Mooney v. Wachovia Securities, LLC, C.A. No. 1:06-4698

District of Minnesota

Bruce Barron v. Wachovia Securities, LLC, C.A. No. 0:06-3545

Southern District of New York

Peter Janowsky v. Wachovia Securities, LLC, et al., C.A. No. 1:05-7660

Jason Goldstein, et al. v. Prudential Financial, Inc., et al., C.A. No. 1:06-7646

MDL-1807 (Continued)

Western District of New York

Charles Badain, et al. v. Wachovia Securities, LLC, et al., C.A. No. 6:06-6321

Eastern District of Pennsylvania

Amir Gauhar, et al. v. Wachovia Securities, LLC, C.A. No. 2:06-2860

MDL-1808 -- In re Marvel-Schebler Float Carburetor Products Liability Litigation

Motion of defendants Precision Airmotive LLC; Precision Airmotive Corp.; Precision Products LLC; Precision Aviation Products LLC; Precision Aviation Products Corp.; Precision Aerospace Services LLC; Precision Aerospace Corp.; Precision Aerospace Products LLC; and Zenith Fuel Systems, Inc., for centralization of the following actions in the United States District Court for the Middle District of Tennessee:

District of Connecticut

Edgar Wong v. Precision Airmotive, LLC, et al., C.A. No. 3:05-1604

Eastern District of Pennsylvania

Sabelle Talarigo, etc. v. Precision Airmotive Corp., et al., C.A. No. 2:06-2885

Sabelle Talarigo, etc. v. Precision Airmotive Corp., et al., C.A. No. 2:06-2917

Middle District of Tennessee

Barry E. Yarbrough, et al. v. Avco Corp., et al., C.A. No. 3:06-730

MDL-1809 -- In re Terminix Employment Practices Litigation

Motion of defendant Terminix International Company, Limited Partnership, for centralization of the following actions in a single United States district court:

Central District of California

Christopher Roy v. Terminix International, Inc., et al., C.A. No. 2:06-5761

Northern District of California

Shiloh Hood v. Terminix International Co., LP, C.A. No. 4:06-24

MDL-1810 -- In re MERSCORP Inc., et al., Real Estate Settlement Procedures Act (RESPA) Litigation

Motion of plaintiffs Eric Kinney; Justin M. Papian; Victoria L. Robinson; Griffin Stafford; Aimee Haws Pier; Leonard W. Stewart, et al.; Rochelle Knighton; and Onetha Ward for centralization of the following actions in the United States District Court for the Eastern District of Texas:

Western District of Arkansas

Eric Kinney v. MERSCORP Inc., et al., C.A. No. 4:06-4055

Southern District of Iowa

Justin M. Papian v. Mortgage Electronic Registration Systems, Inc., et al.,
C.A. No. 4:06-417

District of Kansas

Victoria L. Robinson v. MERSCORP Inc., et al., C.A. No. 2:06-2402

Western District of Missouri

Stafford Griffin v. MERSCORP Inc., et al., C.A. No. 4:06-790

MDL-1810 (Continued)

District of Montana

Aimee Haws Pier v. MERSCORP Inc., et al., C.A. No. 9:06-148

District of South Dakota

Leonard W. Stewart, et al. v. MERSCORP Inc., et al., C.A. No. 4:06-4148

Eastern District of Texas

Rochelle Knighton v. MERSCORP Inc., et al., C.A. No. 5:06-78

Onetha Ward v. MERSCORP Inc., et al., C.A. No. 5:06-213

MDL-1811 -- In re LLRice 601 Contamination Litigation

Motion of plaintiffs Lonnie Parson, et al., for centralization of the following actions in the United States District Court for the Eastern District of Arkansas:

Eastern District of Arkansas

Ephron H. Lewis, et al. v. Bayer CropScience, LP, C.A. No. 2:06-185

Gregory Ballman v. Bayer CropScience US, et al., C.A. No. 2:06-193

Frank Binkley v. Bayer CropScience US, et al., C.A. No. 3:06-168

Lonnie Parson, et al. v. Bayer CropScience US, et al., C.A. No. 4:06-1078

Geeridge Farm, Inc., et al. v. Bayer CropScience, LP, C.A. No. 4:06-1079

Dennis Brown v. Bayer CropScience US, et al., C.A. No. 4:06-1133

Jim Webb v. Bayer CropScience, LP, C.A. No. 4:06-1153

Western District of Louisiana

Joseph W. Deville v. Bayer CropScience, LP, C.A. No. 6:06-1597

Leland Vidrine v. Bayer CropScience, LP, C.A. No. 6:06-1598

Blane Allen Frey v. Bayer CropScience, LP, C.A. No. 6:06-1608

Joey N. Simon, etc. v. Bayer CropScience, LP, C.A. No. 6:06-1609

MDL-1811 (Continued)

Eastern District of Missouri

Billy G. Neel, et al. v. Bayer CropScience US, et al., C.A. No. 1:06-121
Kenneth Bell, et al. v. Bayer CropScience, LP, et al., C.A. No. 1:06-128

MDL-1812 -- In re People's Choice Home Loan, Inc., Prescreening Litigation

Motion of plaintiff Lillie Asbury for centralization of the following actions in the United States District Court for the Northern District of Illinois:

Central District of California

Rhonda L. Torres v. People's Choice Home Loan, Inc., C.A. No. 8:05-1231

Northern District of Illinois

Lillie Asbury v. People's Choice Home Loan, Inc., C.A. No. 1:05-5483

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

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

Oppositions of plaintiffs Byron Granier, et al.; Doris Hogston, etc.; and Robert H. Choff, et al., and defendants PACTIV Corp.; Packaging Corp. of America; Daniel Kirkpatrick; and Leslie Flesher to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Eastern District of Louisiana

Byron Granier, et al. v. Northrop Grumman Ship Systems, Inc., et al.,
C.A. No. 2:06-3738

Eastern District of Virginia

Doris Hogston, etc. v. Allis-Chalmers Corp., et al., C.A. No. 3:06-406

Northern District of West Virginia

Robert H. Choff, et al. v. Crown Beverage Packaging, Inc., et al., C.A. No. 1:06-95

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

Opposition of defendants Bridgestone/Firestone North America Tire, LLC, and Ford Motor Company to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the District of District of Columbia:

Southern District of Indiana

Center for Auto Safety v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-5004
(D. District of Columbia, C.A. No. 1:00-2011)

MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

Oppositions of plaintiff State of Hawaii and defendants Ortho-McNeil Pharmaceutical, Inc., and Johnson & Johnson to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

District of Hawaii

State of Hawaii v. Abbott Laboratories, Inc., et al., C.A. No. 1:06-437

Northern District of Illinois

United States ex rel. Edward West, et al. v. Ortho-McNeil Pharmaceutical, Inc., et al.,
C.A. No. 1:03-8239

MDL-1568 -- In re Parcel Tanker Shipping Services Antitrust Litigation

Opposition of plaintiff Toyota Tsusho Corp., et al., to transfer of the following action to the United States District Court for the District of Connecticut:

Southern District of New York

Toyota Tsusho Corp., et al. v. Jo Tankers AS, et al., C.A. No. 1:06-4630

MDL-1596 -- In re Zyprexa Products Liability Litigation

Oppositions of plaintiffs Mary Mallard, Patricia Segrest, and Charles O. Crowder to transfer of their respective following actions to the United States District Court for the Eastern District of New York:

Middle District of Alabama

Mary Mallard v. Eli Lilly & Co., et al., C.A. No. 2:06-481

Patricia Segrest v. Eli Lilly & Co., et al., C.A. No. 2:06-542

Northern District of Alabama

Charles O. Crowder v. Eli Lilly & Co., et al., C.A. No. 2:06-1321

MDL-1598 -- In re Ephedra Products Liability Litigation

Opposition of plaintiffs Kelly Longoria, et al., to transfer of the following action to the United States District Court for the Southern District of New York:

Southern District of California

Kelly Longoria, et al. v. MII Liquidation, Inc., C.A. No. 3:06-858

MDL-1629 -- In re Neurontin Marketing, Sales Practices and Products Liability Litigation

Opposition of plaintiffs Blue Cross & Blue Shield of Alabama, et al., to transfer of the following action to the United States District Court for the District of Massachusetts:

Middle District of Alabama

Blue Cross & Blue Shield of Alabama, et al. v. Pfizer Inc., et al., C.A. No. 2:06-524

MDL-1635 -- In re Dollar General Corp. Fair Labor Standards Act Litigation

Motion of plaintiffs Alicia Moldoon, et al., for transfer of the following action to the United States District Court for the Northern District of Alabama:

Western District of Louisiana

Alicia Moldoon, et al. v. Dolgencorp, Inc., et al., C.A. No. 2:05-852

MDL-1643 -- In re Educational Testing Service PLT 7-12 Test Scoring Litigation

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

Southern District of Ohio

Brooks Pursley v. Educational Testing Service, C.A. No. 1:06-506

MDL-1657 -- In re Vioxx 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 Eastern District of Louisiana:

Middle District of Alabama

Rosie Russaw, etc. v. Merck & Co., Inc., et al., C.A. No. 2:06-557

Northern District of Alabama

Betty Whitehead, etc. v. Merck & Co., Inc., et al., C.A. No. 2:06-1279

Northern District of California

Edward Schwartz v. Merck & Co., Inc., et al., C.A. No. 3:06-4180
Patrick E. Murphy v. Merck & Co., Inc., et al., C.A. No. 4:06-4794

MDL-1657 (Continued)

Northern District of Florida

Anita Davis v. Merck & Co., Inc., et al., C.A. No. 4:06-356

Southern District of Illinois

Barbara Heet, et al. v. Merck & Co., Inc., et al., C.A. No. 3:06-514

Eastern District of Missouri

Vivian Copher, et al. v. Merck & Co., Inc., et al., C.A. No. 4:06-1185

Inez Kincaid, et al. v. Merck & Co., Inc., et al., C.A. No. 4:06-1186

Richard Helton, et al. v. Merck & Co., Inc., et al., C.A. No. 4:06-1187

Minnie Smith, et al. v. Merck & Co., Inc., et al., C.A. No. 4:06-1196

District of Nevada

John James Mangani v. Merck & Co., Inc., et al., C.A. No. 2:06-914

Kathie Bartlett, et al. v. Merck & Co., Inc., et al., C.A. No. 3:06-359

MDL-1663 -- In re Insurance Brokerage Antitrust Litigation

Opposition of plaintiff Heritage Corp. of South Florida to transfer of the following action to the United States District Court for the District of New Jersey:

Southern District of Florida

Heritage Corp. of South Florida v. National Union Fire Insurance Co. of Pittsburgh, PA, et al., C.A. No. 1:06-20169

MDL-1672 -- In re Express Scripts, Inc., Pharmacy Benefits Management Litigation

Opposition of defendant BeneCard Services, Inc., to transfer of the following action to the United States District Court for the Eastern District of Missouri:

Eastern District of Pennsylvania

Philadelphia Corp. for Aging v. BeneCard Services, Inc., et al., C.A. No. 2:06-2331

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

Opposition of plaintiffs Wayne Adamson, et al., to transfer of the following action to the United States District Court for the Northern District of California:

Eastern District of Missouri

Wayne Adamson, et al. v. Pfizer Inc., et al., C.A. No. 4:06-1201

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

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

Central District of California

Gustavo Covarrubias Barriga v. Guidant Corp., et al., C.A. No. 2:06-5113

Angelo Roberts v. Guidant Corp., et al., C.A. No. 2:06-5114

William J. Frayer v. Guidant Corp., et al., C.A. No. 2:06-5178

Rex Dill, etc. v. Guidant Corp., et al., C.A. No. 5:06-909

Dina Smith-Toscano v. Guidant Corp., et al., C.A. No. 8:06-753

Perry Johnson v. Guidant Corp., et al., C.A. No. 8:06-754

Pearl M. Russo v. Guidant Corp., et al., C.A. No. 8:06-766

James Austin Smith v. Guidant Corp., et al., C.A. No. 8:06-767

MDL-1708 (Continued)

Northern District of California

Einar Nelsen, etc. v. Guidant Corp., et al., C.A. No. 3:06-5170

Francis McConville, et al. v. Guidant Corp., et al., C.A. No. 4:06-5151

District of Kansas

Michele Shannon v. Jesus Val Mejias, M.D., et al., C.A. No. 6:06-1191

District of New Mexico

Jo Ann Oakes v. Larry Tibbetts, et al., C.A. No. 1:06-732

Manuel P. Wood, et al. v. Larry Tibbetts, et al., C.A. No. 1:06-733

Robin Simpson v. Larry Tibbetts, et al., C.A. No. 6:06-734

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

Oppositions of plaintiffs Dean D. Hines, et al.; James Scott, III; Evelyn Vazquez; and Jerry Morehouse, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

Northern District of Georgia

Dean D. Hines, et al. v. Ameriquest Mortgage Co., C.A. No. 4:06-133

Western District of Michigan

James Scott, III v. Ameriquest Mortgage Co., et al., C.A. No. 1:06-422

Eastern District of New York

Evelyn Vazquez v. Ameriquest Mortgage Co., C.A. No. 1:05-5983

Eastern District of Texas

Jerry Morehouse, et al. v. Ameriquest Mortgage Co., C.A. No. 9:05-75

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

Oppositions of plaintiffs J.G. Rowe, Inc.; Earl Mohlis, et al.; State Farm Mutual Automobile Insurance Company, et al.; Dean Richard, et al.; Cathy Andrews; and David DiPietro, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Michigan:

Northern District of Georgia

J.G. Rowe, Inc. v. Ford Motor Co., C.A. No. 1:05-3049

Northern District of Iowa

Earl Mohlis, et al. v. Ford Motor Co., et al., C.A. No. 6:06-2013

Eastern District of Louisiana

State Farm Mutual Automobile Insurance Co., et al. v. Ford Motor Co.,
C.A. No. 2:05-5710
Dean Richard, et al. v. Ford Motor Co., C.A. No. 2:06-3528

Southern District of Mississippi

Cathy Andrews v. Ford Motor Co., C.A. No. 5:06-19

District of South Carolina

David DiPietro, et al. v. Ford Motor Co., C.A. No. 2:06-1482

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

Opposition of plaintiff Edward D. Spierer to transfer of the following action to the United States District Court for the District of Minnesota:

Southern District of Florida

Edward D. Spierer v. Medtronic, Inc., et al., C.A. No. 9:06-80599

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

Oppositions of plaintiffs Chiquita L. McKinnes and Willie Mae Pugh to transfer of their respective following actions to the United States District Court for the Northern District of Ohio:

Middle District of Alabama

Chiquita L. McKinnes v. Johnson & Johnson, Inc., et al., C.A. No. 2:06-550
Willie Mae Pugh v. Johnson & Johnson, Inc., et al., C.A. No. 2:06-551

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

Oppositions of plaintiffs Richard Castello, et al., and Adeeb Yousif, et al., to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Northern District of Illinois

Richard Castello, et al. v. BioMedical Tissue Services, Ltd., et al., C.A. No. 1:06-3931
Adeeb Yousif, et al. v. BioMedical Tissue Services, Ltd., et al., C.A. No. 1:06-3947

MDL-1778 -- In re Ocean Financial Corp. Prescreening Litigation

Oppositions of defendants Countrywide Home Loans, Inc., and Homeowners Loan Corporation to transfer of the following action to the United States District Court for the Northern District of Illinois:

Eastern District of Missouri

Clayton R. Poehl v. Countrywide Home Loans, Inc., et al., C.A. No. 4:06-928

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

Oppositions of plaintiffs Joan Shallcross; Theresa Dekle, et al.; Yomaira Santiago; Steven Samure, et al.; Anthony Raffin, et al.; and Judy N. Barnett, and defendant Wal-Mart Stores, Inc., to transfer of their respective following actions to the United States District Court for the District of South Carolina:

Southern District of California

Tina Whitten v. Bausch & Lomb, Inc., et al., C.A. No. 3:06-1105

Middle District of Florida

Joan Shallcross v. Bausch & Lomb, Inc., et al., C.A. No. 2:06-325

Southern District of Florida

Theresa Dekle, et al. v. Bausch & Lomb, Inc., et al., C.A. No. 0:06-60959

Eastern District of New York

Yomaira Santiago v. Bausch & Lomb, Inc., C.A. No. 1:06-3166

Northern District of New York

Steven Samure, et al. v. Bausch & Lomb, Inc., C.A. No. 5:06-799

MDL-1785 (Continued)

Northern District of Ohio

Anthony Raffin, et al. v. Bausch & Lomb, Inc., C.A. No. 1:06-1426

Western District of Tennessee

Judy N. Barnett v. Thomas A. Currey, O.D., et al., C.A. No. 2:06-2321

MDL-1786 -- In re H&R Block, Inc., Express IRA Marketing Litigation

Opposition of plaintiff Lynn Kohan to transfer of the following action to the United States District Court for the Western District of Missouri:

District of District of Columbia

Lynn Kohan v. H&R Block, Inc., et al., C.A. No. 1:06-1066

MDL-1791 -- In re National Security Agency Telecommunications Records Litigation

Oppositions of plaintiffs Claudia Mink; Virginia Shubert, et al.; Center for Constitutional Rights, et al.; and Al-Haramain Islamic Foundation, Inc., et al., to transfer of their respective following actions to the United States District Court for the Northern District of California:

Eastern District of Missouri

Claudia Mink v. AT&T Communications of the Southwest, Inc., et al.,
C.A. No. 4:06-1113

Eastern District of New York

Virginia Shubert, et al. v. George W. Bush, et al., C.A. No. 1:06-2282

MDL-1791 (Continued)

Southern District of New York

Center for Constitutional Rights, et al. v. George W. Bush, et al., C.A. No. 1:06-313

District of Oregon

Al-Haramain Islamic Foundation, Inc., et al. v. George W. Bush, et al.,
C.A. No. 3:06-274

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.