

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

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

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

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

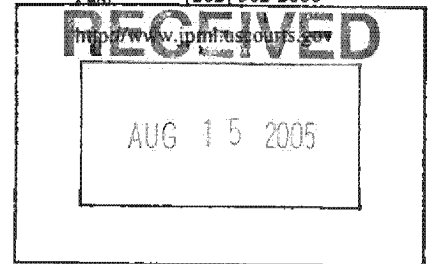
Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

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

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

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August 11, 2005

**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:** September 29, 2005

**LOCATION OF HEARING SESSION:** United States Courthouse  
Courtroom No. 1, Third Floor  
100 Otis Street  
Asheville, North Carolina 28801

**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 **September 12, 2005**. 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,

Michael J. Beck  
Clerk of the Panel

c: Clerk, U.S. District Court for the Western District of North Carolina

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION  
FILED

AUGUST 11, 2005

MICHAEL J. BECK  
CLERK OF THE PANEL

***BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION***

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

**HEARING SESSION ORDER**

IT IS ORDERED that on September 29, 2005, a hearing session will be held in Asheville, North Carolina, 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:



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Wm. Terrell Hodges  
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION  
September 29, 2005 -- Asheville, North Carolina

SECTION A  
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1334 -- In re Managed Care Litigation

Motions of defendants PacifiCare Health Systems, Inc.; UnitedHealthcare, Inc.; and UnitedHealth Group Inc. for remand, pursuant to 28 U.S.C. § 1407(a), of their respective following actions to their respective transferor courts:

Southern District of Florida

*Leonard J. Klay, M.D. v. PacifiCare Health Systems, Inc., et al.*, C.A. No. 1:01-83  
(N.D. California, C.A. No. 3:00-1890 )  
*California Medical Association v. Blue Cross of California, et al.*, C.A. No. 1:01-84  
(N.D. California, C.A. No. 3:00-1894)  
*Charles B. Shane, M.D., et al. v. Humana, Inc., et al.*, C.A. No. 1:00-2830  
(W.D. Kentucky, C.A. No. 3:00-53)

MDL-1704 -- In re M3Power Razor System Marketing & Sales Practices Litigation

Motion of plaintiff Kevin Windom for centralization of the following actions in the United States District Court for the District of Massachusetts:

Central District of California

*David Atkins v. The Gillette Co.*, C.A. No. 2:05-4024

District of Massachusetts

*Mark Dearman, et al. v. The Gillette Co.*, C.A. No. 1:05-11177  
*Kevin Windom v. The Gillette Co.*, C.A. No. 1:05-11207

MDL-1705 -- In re Xybernaut Corp. Securities Litigation

Motion of plaintiffs Don R. Heilman, Simona Zuccarelli, and Dean Lawthers for centralization of the following actions in the United States District Court for the Eastern District of Virginia:

District of Delaware

*Robert H. Aylor, Jr. v. Xybernaut Corp., et al.*, C.A. No. 1:05-222  
*Moshe Tal v. Xybernaut Corp., et al.*, C.A. No. 1:05-242  
*Michael Fehrenbacher v. Xybernaut Corp., et al.*, C.A. No. 1:05-256  
*Jeffrey M. Jaskol, et al. v. Xybernaut Corp., et al.*, C.A. No. 1:05-268  
*Joseph Daniel Wauhop v. Xybernaut Corp., et al.*, C.A. No. 1:05-310  
*Christina W. Donnelly, et al. v. Xybernaut Corp., et al.*, C.A. No. 1:05-334

Eastern District of Virginia

*Don R. Heilman v. Xybernaut Corp., et al.*, C.A. No. 1:05-525  
*Simona Zuccarelli v. Xybernaut Corp., et al.*, C.A. No. 1:05-610  
*Dean Lawthers v. Xybernaut Corp., et al.*, C.A. No. 1:05-617

MDL-1706 -- In re Doral Financial Corp. Securities Litigation

Motion of plaintiff Deerfield Beach Non-Uniformed Municipal Employees Retirement Plan for centralization of the following actions in the United States District Court for the District of Puerto Rico:

Southern District of New York

*James Finn v. Doral Financial Corp., et al.*, C.A. No. 1:05-4014  
*Harold Faverman v. Doral Financial Corp., et al.*, C.A. No. 1:05-4026  
*Bruce Simons v. Doral Financial Corp., et al.*, C.A. No. 1:05-4047  
*Marc D. Grobler v. Doral Financial Corp., et al.*, C.A. No. 1:05-4077  
*Galaxy Electronics Corp. v. Doral Financial Corp., et al.*, C.A. No. 1:05-4087  
*Carlton Orchinik v. Doral Financial Corp., et al.*, C.A. No. 1:05-4098  
*Ben Bernie v. Doral Financial Corp., et al.*, C.A. No. 1:05-4113  
*Thanh D. Vu v. Doral Financial Corp., et al.*, C.A. No. 1:05-4141  
*Michael Faith v. Doral Financial Corp., et al.*, C.A. No. 1:05-4233

MDL-1706 (Continued)

Southern District of New York (Continued)

*Samuel Borger v. Doral Financial Corp., et al.*, C.A. No. 1:05-4250  
*Andrew Lapat v. Doral Financial Corp., et al.*, C.A. No. 1:05-4294  
*Allen Scheiner v. Doral Financial Corp., et al.*, C.A. No. 1:05-4413  
*Bruce M. Barich v. Doral Financial Corp., et al.*, C.A. No. 1:05-4973  
*Michael Janicek v. Doral Financial Corp., et al.*, C.A. No. 1:05-5212  
*Gueorgui Gagov v. Doral Financial Corp., et al.*, C.A. No. 1:05-5213

District of Puerto Rico

*Deerfield Beach Non-Uniformed Municipal Employees Retirement Plan v. Doral  
Financial Corp., et al.*, C.A. No. 3:05-1430  
*Carlos Garcia-Flores v. Doral Financial Corp., et al.*, C.A. No. 3:05-1464

MDL-1707 -- Commonwealth Scientific and Industrial Research Organisation Patent Litigation

Motion of plaintiffs Intel Corporation; Dell, Inc.; and Hewlett-Packard Company for  
centralization of the following actions in the United States District Court for the Northern  
District of California:

Northern District of California

*Intel Corp., et al. v. Commonwealth Scientific and Industrial Research Organisation*,  
C.A. No. 3:05-1886  
*Microsoft Corp., et al. v. Commonwealth Scientific and Industrial Research  
Organisation*, C.A. No. 4:05-1894

Eastern District of Texas

*Commonwealth Scientific and Industrial Research Organisation v. Buffalo Technology  
(USA), Inc., et al.*, C.A. No. 2:05-53

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

Motion of plaintiff Darci L. Munson for centralization of certain of the following actions in the United States District Court for the District of Minnesota and motion of plaintiff John Brennan for centralization of the following actions in the United States District Court for the Southern District of Indiana:

Central District of California

*Joseph Gabriele v. Guidant Corp.*, C.A. No. 5:05-487

Southern District of Florida

*Eugene Clasby v. Guidant Corp.*, C.A. No. 1:05-21485

Southern District of Indiana

*John Brennan v. Guidant Corp., et al.*, C.A. No. 1:05-827

District of Minnesota

*Edith Walker v. Guidant Corp.*, C.A. No. 0:05-1141  
*Darci L. Munson v. Guidant Corp., et al.*, C.A. No. 0:05-1153

Eastern District of New York

*Larry Wenig, et al. v. Guidant Corp., et al.*, C.A. No. 2:05-2822

MDL-1709 -- In re Funeral Casket Antitrust Litigation

Motion of defendants Hillenbrand Industries, Inc., and Batesville Casket Company, Inc., for centralization of certain of the following actions in the United States District Court for the Southern District of Texas and motion of plaintiff Pioneer Valley Casket Co., Inc., for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

*Funeral Consumers Alliance, Inc., et al. v. Service Corp. International, et al.*,  
C.A. No. 3:05-1804  
*Francis H. Rocha v. Service Corp. International, et al.*, C.A. No. 3:05-2501  
*Marsha Berger v. Service Corp. International, et al.*, C.A. No. 3:05-2502  
*Pioneer Valley Casket Co., Inc. v. Service Corp. International, et al.*, C.A. No. 3:05-2806

Eastern District of Tennessee

*Ralph L. Fancher v. Service Corp. International, et al.*, C.A. No. 2:05-145

MDL-1711 -- In re Midland Credit Management, Inc., Debt Collection Practices Litigation

Motion of defendant Midland Credit Management, Inc., for centralization of the following actions in a single United States district court:

Northern District of Illinois

*Phillip Jackson, et al. v. Midland Credit Management, Inc., et al.*, C.A. No. 1:04-5056  
*Esperanza Achamire, et al. v. Midland Credit Management, Inc., et al.*,  
C.A. No. 1:04-6744  
*Noah Downs, Jr. v. Midland Credit Management, Inc., et al.*, C.A. No. 1:05-724

Northern District of Indiana

*Boris Stavroff v. Midland Credit Management, Inc., et al.*, C.A. No. 3:05-127

MDL-1711 (Continued)

Southern District of Indiana

*Angela T. Hubbard v. Midland Credit Management, Inc., et al.*, C.A. No. 1:05-216  
*Christian M. Cline v. Midland Credit Management, Inc., et al.*, C.A. No. 1:05-794

MDL-1712 -- In re American Investors Life Insurance Co. Annuity Marketing and Sales  
Practices Litigation

Motion of defendants American Investors Life Insurance Company, Inc.; Creative Marketing International Corporation; AmerUs Annuity Group Company; AmerUs Life Insurance Company; and AmerUs Group Company for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

Central District of California

*Edward A. Inferrera, et al. v. AmerUs Life Insurance Co., et al.*, C.A. No. 2:05-2617

District of Kansas

*Glen Studley, et al. v. American Investor Life Insurance Co., Inc.*, C.A. No. 5:05-4051

Eastern District of Pennsylvania

*Walter B. Gilmour, et al. v. Barry O. Bohmueller, et al.*, C.A. No. 2:04-2535  
*Beryl Price, et al. v. AmerUs Group Co., et al.*, C.A. No. 2:04-3329  
*George J. Miller v. AmerUs Group Co., et al.*, C.A. No. 2:04-3799  
*Harcourt N. Trimble, III, etc. v. Brett B. Weinstein, et al.*, C.A. No. 2:05-2101  
*Richard Stein, et al. v. AmerUs Group Co., et al.*, C.A. No. 2:05-2391



MDL-1713 -- In re Bank of America ATM Fee Litigation

Motion of defendant Bank of America, N.A., and plaintiffs Douglas S. Brown, Stephen Cawelti, and James A. Prosser for centralization of the following actions in the United States District Court for the District of Massachusetts:

Central District of California

*Stephen Cawelti v. Bank of America, N.A.*, C.A. No. 2:05-2680

District of Maryland

*James A. Prosser v. Bank of America, N.A.*, C.A. No. 1:05-1134

District of Massachusetts

*Douglas S. Brown v. Bank of America, N.A.*, C.A. No. 1:05-10713

MDL-1714 -- In re Rhodia S.A. Securities Litigation

Motion of plaintiff Oppenheim Pramerica Asset Management S.A.R.L. for centralization of the following actions in the United States District Court for the Southern District of New York:

District of New Jersey

*Bob Erickson v. Rhodia S.A., et al.*, C.A. No. 2:05-1890

*Bernard Cerles v. Rhodia S.A., et al.*, C.A. No. 2:05-2461

*Angelo Emilio Albasio v. Rhodia S.A., et al.*, C.A. No. 2:05-2753

Southern District of New York

*Oppenheim Pramerica Asset Management S.A.R.L. v. Rhodia S.A., et al.*,  
C.A. No. 1:05-5389

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

Motion of plaintiffs Cheryl Williams, et al., for centralization of the following actions in the United States District Court for the Central District of California:

Central District of California

*Adolph Peter Kurt Burggraff v. Ameriquest Capital Corp., et al.*, C.A. No. 2:04-9715

Northern District of California

*Nona Knox, et al. v. Ameriquest Mortgage Co., et al.*, C.A. No. 3:05-240

Middle District of Florida

*Latonya Williams, et al. v. Ameriquest Mortgage Co.*, C.A. No. 8:05-1036

District of Massachusetts

*Isabelle M. Murphy, et al. v. Ameriquest Mortgage Co.*, C.A. No. 1:04-12651

Southern District of New York

*Cheryl Williams, et al. v. Ameriquest Mortgage Co.*, C.A. No. 1:05-6189

MDL-1716 -- In re OxyContin Products Liability Litigation (No. II)

Motion of plaintiffs in 27 of the following 30 actions for centralization of the actions in the United States District Court for the Southern District of Illinois:

Eastern District of Arkansas

*Michael R. Engle v. Purdue Pharma Co., et al.*, C.A. No. 4:04-602

District of Arizona

*Frank D. Marcum v. Purdue Pharma Co., et al.*, C.A. No. 2:04-1824

MDL-1716 (Continued)

Central District of California

*Shari J. Sanders v. Purdue Pharma Co., et al.*, C.A. No. 2:04-4665

Middle District of Florida

*Daniel B. Timmons v. Purdue Pharma L.P., et al.*, C.A. No. 8:04-1479

Middle District of Georgia

*Cornelia P. Taylor v. Purdue Pharma Co., et al.*, C.A. No. 5:04-197

Central District of Illinois

*Michael J. Collins v. Purdue Pharma Co., et al.*, C.A. No. 3:04-3279  
*James E. Plowman v. Purdue Pharma Co., et al.*, C.A. No. 3:04-3280

Southern District of Illinois

*Robert G. Savant v. Purdue Pharma Co., et al.*, C.A. No. 3:04-394  
*Betty F. McKane v. Purdue Pharma Co., et al.*, C.A. No. 3:04-395  
*Marie L. Cavenaile v. Purdue Pharma Co., et al.*, C.A. No. 3:04-401  
*Cathy D. Wilken, et al. v. Purdue Pharma Co., et al.*, C.A. No. 3:04-402  
*Timothy Wilkes v. Purdue Pharma Co., et al.*, C.A. No. 3:04-403

Southern District of Iowa

*Chelly Griffith v. Purdue Pharma Co., et al.*, C.A. No. 3:04-10072

District of Kansas

*William J. Honeyman v. Purdue Pharma Co., et al.*, C.A. No. 2:04-2411

Eastern District of Kentucky

*Jack P. Marcum v. Purdue Pharma Co., et al.*, C.A. No. 2:04-152  
*Phillip L. Crabtree v. Purdue Pharma Co., et al.*, C.A. No. 6:04-294

MDL-1716 (Continued)

Western District of Louisiana

*Enrique Angulo v. Purdue Pharma Co., et al.*, C.A. No. 1:04-1638

Northern District of Mississippi

*Gregory Suber, Sr. v. Purdue Pharma, L.P., et al.*, C.A. No. 4:03-97

Southern District of Mississippi

*Henry Butch Turner v. Purdue Pharma Co., et al.*, C.A. No. 3:04-403

District of New Hampshire

*Charlene E. Franz v. Purdue Pharma Co., et al.*, C.A. No. 1:05-201

Southern District of New York

*Donald Pratt v. Purdue Pharma Co., et al.*, C.A. No. 1:04-2100

*Linda Terry v. Purdue Pharma Co., et al.*, C.A. No. 1:04-2102

Southern District of Ohio

*Judy Wethington, et al. v. Purdue Pharma LP, et al.*, C.A. No. 1:01-441

*Victoria A. Cook v. Purdue Pharma Co., et al.*, C.A. No. 1:04-530

Eastern District of Texas

*Cynthia A. McKnight v. Purdue Pharma Co., et al.*, C.A. No. 9:04-116

Northern District of Texas

*Eric J. Koenig, et al. v. Purdue Pharma Co., et al.*, C.A. No. 3:04-1590

*Charlie L. Lee, Jr. v. Purdue Pharma Co., et al.*, C.A. No. 3:04-1697

MDL-1716 (Continued)

Southern District of Texas

*Michael R. Engle, et al. v. Purdue Pharma Co., et al.*, C.A. No. 4:04-2407

Eastern District of Wisconsin

*Kay H. Freund v. Purdue Pharma Co., et al.*, C.A. No. 1:04-611

*Teddy L. Farris v. Purdue Pharma Co., et al.*, C.A. No. 2:04-736

MDL-1717 -- In re Intel Corp. Microprocessor Antitrust Litigation

Motion of plaintiffs Michael Brauch, et al., for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

*David E. Lipton, et al. v. Intel Corp.*, C.A. No. 3:05-2669

*Maria I. Prohias v. Intel Corp.*, C.A. No. 3:05-2699

*Ronald Konieczka v. Intel Corp.*, C.A. No. 3:05-2700

*Patricia M. Niehaus v. Intel Corp.*, C.A. No. 3:05-2720

*Steve J. Hamilton v. Intel Corp.*, C.A. No. 3:05-2721

*Michael Brauch, et al. v. Intel Corp.*, C.A. No. 3:05-2743

*Susan Baxley v. Intel Corp.*, C.A. No. 3:05-2758

*Huston Frazier, et al. v. Intel Corp.*, C.A. No. 3:05-2813

*Dwight E. Dickerson v. Intel Corp.*, C.A. No. 3:05-2818

*The Harman Press v. Intel Corp.*, C.A. No. 3:05-2823

District of Delaware

*Advanced Micro Devices, Inc., et al. v. Intel Corp., et al.*, C.A. No. 1:05-441

*Jim Kidwell, et al. v. Intel Corp.*, C.A. No. 1:05-470

*Robert J. Rainwater, et al. v. Intel Corp.*, C.A. No. 1:05-473

*Matthew Kravitz, et al. v. Intel Corp.*, C.A. No. 1:05-476

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

Motion of defendants Ford Motor Company; Karl Flammer Ford, Inc.; and Bill Currie Ford, Inc., for centralization of the following actions in the United States District Court for the Eastern District of Michigan:

Middle District of Florida

*Michael T. Iley, et al. v. Ford Motor Co., et al.*, C.A. No. 8:05-1139  
*Robert Nicholas Dill, Sr., et al. v. Ford Motor Co., et al.*, C.A. No. 8:05-1234

Eastern District of Louisiana

*Joseph T. Whittington v. Ford Motor Co.*, C.A. No. 2:05-2469

Eastern District of Michigan

*Marcus Ebow v. Ford Motor Co.*, C.A. No. 2:05-70781

Western District of Washington

*Arlene J. Castrow, et al. v. Ford Motor Co.*, C.A. No. 3:05-5422

MDL-1719 -- In re Qwest Communications International, Inc., Securities & "ERISA" Litigation

Motion of defendants Citigroup Global Markets, Inc.; Sandy Weill; Jack Grubman; and Arthur Andersen LLP for centralization of the following actions in the United States District Court for the District of Colorado:

District of Colorado

*New England Health Care Employees Pension Fund v. Qwest Communications  
International, Inc., et al.*, C.A. No. 1:01-1451  
*Stanton Discount Pharmacy, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:01-1472

MDL-1719 (Continued)

District of Colorado (Continued)

*Douglass Urquhart, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:01-1527  
*Tyler Del Valle Grady, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:01-1616  
*Robert Cline, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:01-1799  
*David Tanner, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:01-1930  
*Herbert S. Cohen Trust v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:02-333  
*Adele Brody, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:02-374  
*Valerie J. Brooks, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:02-464  
*Janice Dudley, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:02-470  
*Rod Coyle, et al. v. Qwest Communications International, Inc., et al.*, C.A. No. 1:02-482  
*Brian Barry v. Qwest Communications International, Inc., et al.*, C.A. No. 1:02-507  
*James Rooney, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:02-602  
*Laila Abdelnour v. Qwest Communications International, Inc., et al.*, C.A. No. 1:02-658  
*Paula Smith, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:02-714  
*Stuart Wollman v. Qwest Communications International, Inc., et al.*, C.A. No. 1:02-755  
*Seymour Tabacoff, et al. v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:02-798  
*Mary Stuhr v. Qwest Communications International, Inc., et al.*, C.A. No. 1:02-2120  
*Stichting Pensioenfonds ABP v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:04-238  
*Shriners Hospitals for Children v. Qwest Communications International, Inc., et al.*,  
C.A. No. 1:04-781  
*Teachers' Retirement System of Louisiana v. Qwest Communications International, Inc., et al.*, C.A. No. 1:04-782  
*New York City Employees Retirement System, et al. v. Qwest Communications International, Inc., et al.*, C.A. No. 1:04-1964

MDL-1719 (Continued)

Southern District of Florida

*William M. Rogers, et al. v. Joseph P. Nacchio, et al.*, C.A. No. 0:05-60667

MDL-1720 -- In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation

Motion of plaintiffs Rookies, Inc., et al., for centralization of certain of the following actions in the United States District Court for the Northern District of California and motion of defendants Visa U.S.A., Inc., et al., for centralization of the following actions in the United States District Court for the Northern District of Georgia:

Northern District of California

*Rookies, Inc., et al. v. Visa U.S.A., Inc., et al.*, C.A. No. 3:05-2933

*Randall Jaspersen v. Visa U.S.A., Inc., et al.*, C.A. No. 3:05-2996

District of Connecticut

*Photos Etc. Corp., et al. v. Visa U.S.A., Inc., et al.*, C.A. No. 3:05-1007

*Tabu Salon & Spa, Inc. v. Visa U.S.A., Inc., et al.*, C.A. No. 3:05-1111

*East Goshen Pharmacy, Inc., etc. v. Visa U.S.A., Inc., et al.*, C.A. No. 3:05-1177

Northern District of Georgia

*Animal Land, Inc. v. Visa U.S.A., Inc.*, C.A. No. 1:05-1210

Southern District of New York

*Nucity Publications, Inc. v. Visa U.S.A., Inc., et al.*, C.A. No. 1:05-5991

*Fairmont Orthopedics & Sports Medicine, PA, et al. v. Visa U.S.A., Inc., et al.*,  
C.A. No. 1:05-6259

*Parkway Corp., et al. v. Visa U.S.A., Inc., et al.*, C.A. No. 1:05-6349

*The Kroger Co., et al. v. Visa U.S.A., Inc., et al.*, C.A. No. 1:05-6409



MDL-1720 (Continued)

Southern District of New York (Continued)

*Baltimore Avenue Foods, LLC v. Visa U.S.A., Inc., et al.*, C.A. No. 1:05-6532

*Broken Ground, Inc. v. Visa U.S.A., Inc., et al.*, C.A. No. 1:05-6543

*Lakeshore Interiors v. Visa U.S.A., Inc., et al.*, C.A. No. 1:05-6683

*Bonte Wafflerie, LLC, et al. v. Visa U.S.A., et al.*, C.A. No. 1:05-6708

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

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

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

Middle District of Florida

*Linda Vaughn, etc. v. Borg-Warner Corp., et al.*, C.A. No. 8:05-978

Northern District of Florida

*Ann Elizabeth Buchinger, etc. v. Garlock, Inc., et al.*, C.A. No. 3:05-118

District of Oregon

*Howard Wood v. Allis-Chalmers Corp. Product Liability Trust, et al.*, C.A. No. 3:05-706

District of Utah

*Audrey Fratto, etc. v. Asarco, Inc., et al.*, C.A. No. 2:05-336

Eastern District of Virginia

*Mary E. Blackburn v. Northrup Grumman Newport News*, C.A. No. 4:05-2895

*Albert W. Dail, etc. v. Northrup Grumman Newport News*, C.A. No. 4:05-2896

*Frances C. Diggs v. Northrup Grumman Newport News*, C.A. No. 4:05-2897

*Mildred S. Edwards v. Northrup Grumman Newport News*, C.A. No. 4:05-2898

*Doris M. Harmon, etc. v. Northrup Grumman Newport News*, C.A. No. 4:05-2899

*Burnell Landrum v. Northrup Grumman Newport News*, C.A. No. 4:05-2900

*Sandra L. Russell, etc. v. Northrup Grumman Newport News*, C.A. No. 4:05-2901

*Robert Schaffer, Jr., etc. v. Northrup Grumman Newport News*, C.A. No. 4:05-2902

MDL-875 (Continued)

Eastern District of Virginia (Continued)

*Gladys I. Spikes v. Northrup Grumman Newport News*, C.A. No. 4:05-2903  
*Peggy O. Sheets v. Northrup Grumman Newport News*, C.A. No. 4:05-2904  
*Nonie C. White v. Northrup Grumman Newport News*, C.A. No. 4:05-2905  
*Betty Jean Lancaster v. Northrup Grumman Newport News*, C.A. No. 4:05-2906  
*Betty J. Williams v. Northrup Grumman Newport News*, C.A. No. 4:05-2907  
*Crystal W. Moore, etc. v. Northrup Grumman Newport News*, C.A. No. 4:05-2908  
*James T. Turner, etc. v. Northrup Grumman Newport News*, C.A. No. 4:05-2909

Southern District of West Virginia

*Charles E. Hamrick, et al. v. A&I Co., et al.*, C.A. No. 2:05-286

Motion of claimants Jean Minas Baudoin and Claudette Nugier Baudoin for reconsideration of the Panel's ruling transferring the following action to the United States District Court for the Eastern District of Pennsylvania:

Eastern District of Pennsylvania

*Murphy Exploration & Production Co. v. McCarty Corp., et al.* (E.D. Louisiana, C.A. No. 2:04-1554)

MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation

Opposition of defendant Wyeth to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the District of Utah:

Eastern District of Pennsylvania

*Patty Long v. American Home Products Corp., et al.*, C.A. No. 2:03-20087 (D. Utah, C.A. No. 2:02-972)

MDL-1285 -- In re Vitamin Antitrust Litigation

Motion of defendants Shijiazhuang Pharmaceutical (USA); China Pharmaceutical Group, Ltd.; and Hebei Welcome Pharmaceutical Co., Ltd., for remand, pursuant to 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Eastern District of New York:

District of District of Columbia

*Animal Science Products, Inc., et al. v. Hebei Welcome Pharmaceutical Co., Ltd., et al.*  
(E.D. New York, C.A. No. 1:05-453)

MDL-1334 -- In re Managed Care Litigation

Oppositions of plaintiffs James Mirabile, M.D., et al., and Dr. Steven Buie, et al., to transfer of their respective following actions to the United States District Court for the Southern District of Florida:

District of Kansas

*James Mirabile, M.D., et al. v. Blue Cross & Blue Shield of Kansas City, Inc., et al.*,  
C.A. No. 2:05-2223

Western District of Missouri

*Dr. Steven Buie, et al. v. Blue Cross Blue Shield of Kansas City, Inc., et al.*,  
C.A. No. 4:05-534

Motion of defendant Oxford Health Plans LLC for transfer of the following action to the United States District Court for the Southern District of Florida:

District of New Jersey

*John Ivan Sutter, M.D. v. Oxford Health Plans LLC*, C.A. No. 2:05-2198

MDL-1335 -- In re Tyco International, Ltd., Securities, Derivative & "ERISA" Litigation

Opposition of plaintiff Scott Stevenson to transfer of the following action to the United States District Court for the District of New Hampshire:

Southern District of Florida

*Scott Stevenson v. Tyco International, Ltd., et al.*, C.A. No. 9:05-80375

MDL-1348 -- In re Rezulin Products Liability Litigation

Opposition of plaintiff Steven Camargo to transfer of the following action to the United States District Court for the Southern District of New York:

Eastern District of California

*Steven Camargo v. Warner-Lambert Co., LLC, et al.*, C.A. No. 1:05-533

MDL-1358 -- In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Opposition of plaintiff City of Merced to transfer of the following action to the United States District Court for the Southern District of New York:

Eastern District of California

*City of Merced v. Exxon Mobil Corp., et al.*, C.A. No. 1:05-662

MDL-1507 -- In re Prempro Products Liability Litigation

Oppositions of plaintiffs Ursula Bryan, et al., and defendants Harold H. Shlevin, Ph.D., and Solvay Pharmaceuticals, Inc., to transfer of their respective following actions to the United States District Court for the Eastern District of Arkansas:

Eastern District of Missouri

*Ursula Bryan, et al. v. Wyeth, et al.*, C.A. No. 4:05-607

Western District of Tennessee

*Cheryl Autin, et al. v. Solvay Pharmaceuticals, Inc., et al.*, C.A. No. 2:05-2213

MDL-1513 -- In re Wireless Telephone Services Antitrust Litigation

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

Western District of Tennessee

*Jessica McClain, et al. v. Sprint Corp., et al.*, C.A. No. 2:05-2229

MDL-1562 -- In re General Motors Corp. Dex-Cool Products Liability Litigation

Opposition of plaintiff Anthony Natale, Jr., to transfer of the following action to the United States District Court for the Southern District of Illinois:

District of Massachusetts

*Anthony Natale, Jr. v. General Motors Corp.*, C.A. No. 1:05-11152

Motion of defendant General Motors Corporation for transfer of the following action to the United States District Court for the Southern District of Illinois:

MDL-1562 (Continued)

Eastern District of California

*Jason Bertino, et al. v. General Motors Corp.*, C.A. No. 2:05-889

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

Opposition of plaintiff Multiut Corporation to transfer of the following action to the United States District Court for the District of Nevada:

Northern District of Illinois

*Multiut Corp. v. Dynegy, Inc., et al.*, C.A. No. 1:04-8283

MDL-1574 -- In re Paxil Products Liability Litigation

Opposition of plaintiff Linda Van Dyke, etc., and defendant SmithKline Beecham Corporation to transfer of the following action to the United States District Court for the Central District of California:

District of Wyoming

*Linda Van Dyke, etc. v. GlaxoSmithKline*, C.A. No. 2:05-153

MDL-1586 -- In re Mutual Funds Investment Litigation

Oppositions of plaintiffs Lydia Maxwell; David Rothschild; and Darrell V. McGraw, Jr., to transfer of their respective following actions to the United States District Court for the District of Maryland:

Central District of California

*Lydia Maxwell v. PIMCO Funds Multi-Manager Series*, C.A. No. 8:05-479

MDL-1586 (Continued)

Western District of Pennsylvania

*David Rothschild v. Federated American Leaders Fund, Inc., et al.*, C.A. No. 2:05-896

Northern District of West Virginia

*Darrell V. McGraw, Jr. v. Aim Advisors, Inc., et al.*, C.A. No. 5:05-78

MDL-1598 -- In re Ephedra Products Liability Litigation

Oppositions of plaintiffs Murray J. Eaves and Lesley Johnston, et al., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

District of Minnesota

*Murray J. Eaves v. Muscletech Research & Development, Inc., et al.*, C.A. No. 0:05-978

Western District of Missouri

*Lesley Johnston, et al. v. Physical FX, L.C., et al.*, C.A. No. 4:05-575

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

Opposition of plaintiffs Roy Capers and Cheryle Williams to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

Southern District of Alabama

*Roy Capers v. Ocwen Federal Bank, FSB*, C.A. No. 1:05-233

*Cheryle Williams v. Ocwen Federal Bank, FSB*, C.A. No. 2:05-234



MDL-1610 -- In re Conseco Life Insurance Co. Cost of Insurance Litigation

Opposition of plaintiffs Sidney Bark, et al., to transfer of the following action to the United States District Court for the Central District of California:

Northern District of Illinois

*Sidney Bark, et al. v. Conseco Life Insurance Co., et al.*, C.A. No. 1:05-3488

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

Oppositions of plaintiffs Gerald Demers and Teresa E. Teater to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

District of Maine

*Gerald Demers v. Pfizer, Inc., et al.*, C.A. No. 2:05-84

District of Oregon

*Teresa E. Teater v. Pfizer, Inc., et al.*, C.A. No. 3:05-604

MDL-1657 -- In re Vioxx Products Liability Litigation

Oppositions of plaintiffs and defendants Walgreen Company and Dario Arango, M.D., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Eastern District of California

*John Martin v. Merck & Co., Inc., et al.*, C.A. No. 2:05-750

Southern District of California

*Alvin Williams v. Merck & Co., Inc., et al.*, C.A. No. 3:05-943

*Margaret Stein v. Merck & Co., Inc., et al.*, C.A. No. 3:05-944

*Otis Anderson v. Merck & Co., Inc., et al.*, C.A. No. 3:05-945

MDL-1657 (Continued)

Southern District of California (Continued)

*Joan Ongley v. Merck & Co., Inc., et al.*, C.A. No. 3:05-947  
*Hilda Armenta v. Merck & Co., Inc., et al.*, C.A. No. 3:05-948  
*Robert Levesque v. Merck & Co., Inc., et al.*, C.A. No. 3:05-949  
*Clancy Lucille Holloway v. Merck & Co., Inc., et al.*, C.A. No. 3:05-950  
*Laura Martinez v. Merck & Co., Inc., et al.*, C.A. No. 3:05-951  
*Clarice Forbes v. Merck & Co., Inc., et al.*, C.A. No. 3:05-953  
*Robert Castro v. Merck & Co., Inc., et al.*, C.A. No. 3:05-954  
*Joseph Capozzi v. Merck & Co., Inc., et al.*, C.A. No. 3:05-957  
*Anna Lemmons v. Merck & Co., Inc., et al.*, C.A. No. 3:05-958  
*Richard Brown v. Merck & Co., Inc., et al.*, C.A. No. 3:05-959  
*Aida Hernandez v. Merck & Co., Inc., et al.*, C.A. No. 3:05-960  
*Harvey Persh v. Merck & Co., Inc., et al.*, C.A. No. 3:05-961  
*Robert Scott v. Merck & Co., Inc., et al.*, C.A. No. 3:05-962  
*Violet Abramson v. Merck & Co., Inc., et al.*, C.A. No. 3:05-963  
*Carmen Esquer v. Merck & Co., Inc., et al.*, C.A. No. 3:05-964

District of Colorado

*Estella M. Remington v. Walgreen Co., et al.*, C.A. No. 1:05-892

Southern District of Illinois

*Rosie-May Spann v. Merck & Co., Inc., et al.*, C.A. No. 3:05-315  
*James Steele, Jr., et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:05-339  
*Greg Miller, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:05-361  
*Wilma Gaston, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:05-362  
*Ralph Rabe, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:05-363  
*John Allen, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:05-377  
*Joyce Morgan, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:05-378

Western District of Kentucky

*William Andrew Curl, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:05-324  
*Brenda Cox, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:05-332  
*Patrick Wayne Overall, et al. v. Merck & Co., Inc., et al.*, C.A. No. 3:05-333  
*James Goodman v. Merck & Co., Inc., et al.*, C.A. No. 3:05-334  
*Steven Clark v. Merck & Co., Inc., et al.*, C.A. No. 3:05-335

MDL-1657 (Continued)

Eastern District of Missouri

*Dorothy Ganser, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-557  
*Letty Bess, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-568  
*Arthur Mullins, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-569  
*Dorothy Kassing, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-631  
*Shirley Zook, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-632  
*Andrew Kisty, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-665  
*Virginia Kell, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-666  
*Mary Benson, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-668  
*Earlie Douglas, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-669  
*Ricardo Lara, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-671  
*Loretta Trinidad, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-673  
*David Moultrie, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-674  
*Irene Rogers, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-675  
*Charlotte Bohlke, et al. v. Merck & Co., Inc., et al.*, C.A. No. 4:05-837

District of Nevada

*Terry L. Grove, et al. v. Merck & Co., Inc., et al.*, C.A. No. 2:05-598  
*James Conroy, et al. v. Merck & Co., Inc., et al.*, C.A. No. 2:05-629

Middle District of North Carolina

*Jimmy Reid v. Merck & Co., Inc.*, C.A. No. 1:05-348

Eastern District of Texas

*Elfriede Blacketer v. Merck & Co., Inc., et al.*, C.A. No. 1:05-336  
*Walter Maddox v. Merck & Co., Inc., et al.*, C.A. No. 1:05-338

Southern District of Texas

*Santos Villarreal Layton v. Dario Arango, M.D., et al.*, C.A. No. 7:05-149

MDL-1657 (Continued)

Western District of Washington

*Robert K. Waitt v. Merck & Co., Inc., et al.*, C.A. No. 2:05-759

Northern District of West Virginia

*Shelia Dalgo v. Merck & Co., Inc.*, C.A. No. 5:05-48

MDL-1663 -- In re Insurance Brokerage Antitrust Litigation

Oppositions of plaintiffs Palm Tree Computers Systems, Inc., et al., and KLLM, Inc., and defendants The Chubb Corporation, CIGNA Corporation, and Life Insurance Company of North America to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Southern District of California

*Ronald Scott Shirley, et al. v. Universal Life Resources, et al.*, C.A. No. 3:04-2102

Middle District of Florida

*Palm Tree Computers Systems, Inc., et al. v. Ace USA, et al.*, C.A. No. 6:05-422

Southern District of Mississippi

*KLLM, Inc. v. Marsh USA, Inc., et al.*, C.A. No. 3:03-1294

MDL-1665 -- In re Acacia Media Technologies Corp. Patent Litigation

Oppositions of defendants CSC Holdings, Inc.; Time Warner Cable, Inc.; and Bresnan Communications, LLC, to transfer of their respective following actions to the United States District Court for the Northern District of California:

Eastern District of New York

*Acacia Media Technologies Corp. v. CSC Holdings, Inc.*, C.A. No. 2:05-2036

Southern District of New York

*Acacia Media Technologies Corp. v. Time Warner Cable, et al.*, C.A. No. 1:05-4148

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.