

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

NOTICE OF HEARING SESSION

Pursuant to the order of the United States Judicial Panel on Multidistrict Litigation filed today, notice is hereby given that a hearing session has been scheduled to consider various matters under 28 U.S.C. § 1407.

DATE OF HEARING SESSION: **July 25, 2024**

LOCATION OF HEARING SESSION: Edward T. Gignoux Federal Courthouse
Courtroom No. 2, 2nd Floor
156 Federal Street
Portland, Maine 04101

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

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

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

ORAL ARGUMENT:

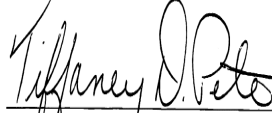
- The Panel carefully considers the positions advocated in filings with the Panel when it allocates time to attorneys presenting oral argument. The Panel, therefore, expects attorneys to adhere to those positions including those concerning an appropriate transferee district. Any change in position should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

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- The Panel expects attorneys presenting oral argument to be prepared to discuss what steps they have taken to pursue alternatives to centralization including, but not limited to, engaging in informal coordination of discovery and scheduling, and seeking Section 1404 transfer of one or more of the subject cases.
- A transcript of the oral argument will be filed in each docket when it becomes available. Parties who wish to order a transcript may obtain the court reporter's contact information from the court reporter at the hearing or from the Panel at 202-502-2800 following the hearing.

For those matters listed on Section A of the Schedule, the "Notice of Presentation or Waiver of Oral Argument" must be filed in this office no later than **July 1, 2024**. The procedures governing Panel oral argument (Panel Rule 11.1) are attached. The Panel strictly adheres to these procedures.

FOR THE PANEL:



Tiffany D. Pete
Clerk of the Panel

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

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

HEARING SESSION ORDER

The Panel issues the following orders in connection with its next hearing session,

IT IS ORDERED that on July 25, 2024, the Panel will convene a hearing session in Portland, Maine, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

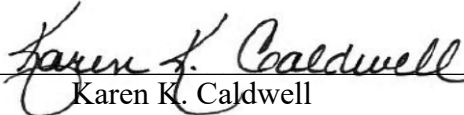
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

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

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

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

PANEL ON MULTIDISTRICT LITIGATION


Karen K. Caldwell

Chair

Nathaniel M. Gorton
David C. Norton
Dale A. Kimball

Matthew F. Kennelly
Roger T. Benitez
Madeline Cox Arleo

SCHEDULE OF MATTERS FOR HEARING SESSION
July 25, 2024 -- Portland, Maine

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

(This schedule contains only those civil actions listed in the Schedule(s) of Actions submitted with the docketed motion(s) for transfer. See Panel Rules 6.1 and 6.2. In the event these dockets are centralized, other actions of which the Panel has been informed may be subject to transfer pursuant to Panel Rule 7.1.)

MDL No. 3117 – IN RE: NEW YORK TAX FORECLOSURE SURPLUS LITIGATION

Motion of plaintiffs Joseph Polizzi, et al., to transfer the following actions to the United States District Court for the Northern District of New York:

Northern District of New York

POLIZZI, ET AL. v. COUNTY OF SCHOHARIE, ET AL., C.A. No. 1:23–01311
MERCCKX, ET AL. v. RENSSELAER COUNTY, ET AL., C.A. No. 1:23–01354
PLATE, ET AL. v. COUNTY OF ULSTER, ET AL., C.A. No. 1:23–01539
CHMURA, ET AL. v. COUNTY OF SCHENECTADY, ET AL., C.A. No. 1:23–01574
STEELE, ET AL. v. SARATOGA COUNTY, NEW YORK, ET AL., C.A. No. 1:23–01615
SITTS, ET AL. v. COUNTY OF SARATOGA, ET AL., C.A. No. 1:23–01649
ARMER, ET AL. v. COUNTY OF MONTGOMERY, ET AL., C.A. No. 1:24–00259
WHITE, ET AL. v. COUNTY OF RENSSELAER, ET AL., C.A. No. 1:24–00280
VOSE, ET AL. v. COUNTY OF FULTON, ET AL., C.A. No. 1:24–00281
RICH, ET AL. v. COUNTY OF WARREN, ET AL., C.A. No. 1:24–00314
VAUGHN, ET AL. v. COUNTY OF WASHINGTON, ET AL., C.A. No. 1:24–00327
BUSH, ET AL. v. COUNTY OF SCHOHARIE, C.A. No. 1:24–00328
WOLOSZYN, ET AL. v. COUNTY OF TIOGA, ET AL., C.A. No. 3:23–01585
STEPHENS, ET AL. v. COUNTY OF BROOME, ET AL., C.A. No. 3:24–00009
PLACE v. COUNTY OF BROOME, ET AL., C.A. No. 3:24–00258
BEUTEL, ET AL. v. COUNTY OF JEFFERSON, ET AL., C.A. No. 5:23–01603
ROSETTI, ET AL. v. COUNTY OF CAYUGA, C.A. No. 5:24–00015
COSSETTE, ET AL. v. COUNTY OF ONEIDA, ET AL., C.A. No. 6:23–01587
DEANDREA, ET AL. v. COUNTY OF OTSEGO, ET AL., C.A. No. 6:24–00287
ANDERSON, ET AL. v. COUNTY OF ST. LAWRENCE, ET AL., C.A. No. 8:23–01524
CLEAR LAKE LAND CO., ET AL. v. COUNTY OF ST. LAWRENCE, ET AL.,
C.A. No. 8:23–01606
BLANCHARD, ET AL. v. COUNTY OF ESSEX, C.A. No. 8:24–00250
FEIMANN, ET AL. v. COUNTY OF CLINTON, ET AL., C.A. No. 8:24–00257

Southern District of New York

CAVALUZZI, ET AL. v. COUNTY OF SULLIVAN, ET AL., C.A. No. 1:23-11067
RAMSEY v. GASTON, ET AL., C.A. No. 7:23-08599
O'HARA v. ORANGE COUNTY, NEW YORK, ET AL., C.A. No. 7:23-10770
ARMF REALTY LLC, ET AL. v. COUNTY OF ORANGE, ET AL., C.A. No. 7:23-11034
BOSE, ET AL. v. COUNTY OF DUTCHESS, C.A. No. 7:24-01333
WOLPERT v. DUTCHESS COUNTY, ET AL., C.A. No. 7:24-01809

Western District of New York

DICKENS, ET AL. v. COUNTY OF ALLEGANY, ET AL., C.A. No. 1:23-01332
DOWD, ET AL. v. COUNTY OF NIAGARA, ET AL., C.A. No. 1:24-00037
BARNARD, ET AL. v. COUNTY OF CHAUTAUQUA, C.A. No. 1:24-00154
SEVINSKY, ET AL. v. COUNTY OF CATTARAUGUS, ET AL., C.A. No. 1:24-00186
SMITH v. COUNTY OF NIAGARA, ET AL., C.A. No. 1:24-00207
LAWRENCE, ET AL. v. COUNTY OF WAYNE, ET AL., C.A. No. 6:24-06017
WILLIAMSON, ET AL. v. COUNTY OF STEUBEN, ET AL., C.A. No. 6:24-06129
WCMGC LLC, ET AL. v. COUNTY OF SENECA, ET AL., C.A. No. 6:24-06142

MDL No. 3118 – IN RE: YU LUO SHELF BRACKET ('683) PATENT LITIGATION

Motion of plaintiff Yu Luo to transfer the following actions to the United States District Court for the Middle District of Florida:

Middle District of Florida

LUO v. PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE A, C.A. No. 8:24-00615

Northern District of Illinois

LUO v. THE PARTNERSHIPS AND UNINCORPORATED ORGANIZATIONS IN SCHEDULE A, C.A. No. 1:24-01977

MDL No. 3119 – IN RE: SHALE OIL ANTITRUST LITIGATION

Motion of plaintiffs Matthew E. Foos, et al., to transfer the following actions to the United States District Court for the District of New Mexico:

District of Nevada

ROSENBAUM, ET AL. v. PERMIAN RESOURCES CORP., ET AL.,
C.A. No. 2:24-00103
MELLOR v. PERMIAN RESOURCES CORP., ET AL., C.A. No. 2:24-00253
MACDOWELL, ET AL. v. PERMIAN RESOURCES CORP., ET AL.,
C.A. No. 2:24-00325

District of New Mexico

FOOS, ET AL. v. PERMIAN RESOURCES CORP., ET AL., C.A. No. 1:24-00361
BROWN, ET AL. v. PERMIAN RESOURCES CORP., ET AL., C.A. No. 1:24-00430

**MDL No. 3120 – IN RE: BENZOYL PEROXIDE MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

Motion of plaintiffs Diane Howard, et al.; Alan Montenegro, et al.; Chinyere Harris; Grace Navarro, et al.; Priscilla Garcia, et al.; Efren Ramos, et al.; and Jennifer Snow to transfer the following actions to the United States District Court for the Northern District of California, or, in the alternative, the United States District Court for the Central District of California, or the United States District Court for the Eastern District of California:

Central District of California

HOWARD, ET AL. v. ALCHEMEE, LLC, ET AL., C.A. No. 2:24-01834
MONTENEGRO v. CVS PHARMACY, INC., ET AL., C.A. No. 2:24-01876
MONTENEGRO, ET AL. v. RB HEALTH US LLC, ET AL., C.A. No. 2:24-01878
MONTENEGRO, ET AL. v. JOHNSON AND JOHNSON CONSUMER, INC.,
C.A. No. 2:24-01895
DEL TORO, ET AL. v. CROWN LABORATORIES, INC., C.A. No. 8:24-00573

Eastern District of California

NAVARRO v. TARGET CORPORATION, C.A. No. 1:24-00280
NAVARRO, ET AL. v. WALMART, INC., C.A. No. 1:24-00288
HARRIS v. GENOMMA LAB USA, INC., C.A. No. 1:24-00289
NAVARRO, ET AL. v. WALGREENS BOOTS ALLIANCE, INC., C.A. No. 1:24-00290

Northern District of California

GARCIA, ET AL. v. CROWN LABORATORIES, INC., C.A. No. 3:24-01448
DAUGHERTY, ET AL. v. PADAGIS ISRAEL PHARMACEUTICALS LIMITED,
ET AL., C.A. No. 3:24-02066
TERON v. ALCHEMEE, LLC, ET AL., C.A. No. 5:24-01918
RAMOS, ET AL. v. ALCHEMEE, LLC, C.A. No. 5:24-02230

District of Hawaii

SNOW v. L'OREAL USA, INC., ET AL., C.A. No. 1:24-00110

Northern District of Illinois

WILLIAMS v. WALMART, INC., C.A. No. 1:24-02173
VISHNOI v. JOHNSON & JOHNSON CONSUMER, INC., C.A. No. 1:24-02193
O'DEA v. ALCHEMEE, LLC, ET AL., C.A. No. 1:24-02755

O'DEA v. L'OREAL, USA, C.A. No. 1:24-02762
O'DEA v. TARGET CORPORATION, C.A. No. 1:24-02763
BOLYARD v. WALGREENS BOOTS ALLIANCE, INC., C.A. No. 1:24-03138

Eastern District of Louisiana

GROSSENBACHER v. L'OREAL USA, INC., C.A. No. 2:24-00663

District of Minnesota

MILLER, ET AL. v. TARGET CORPORATION, C.A. No. 0:24-01323

Western District of Missouri

EMERY, ET AL. v. WAL-MART STORES, INC., C.A. No. 3:24-05019
HEERMANN, ET AL. v. ALCHEMME, LLC, ET AL., C.A. No. 4:24-00195
FLORES, ET AL. v. CROWN LABORATORIES, INC., C.A. No. 4:24-00211
PAINTER, ET AL. v. L'OREAL USA, INC., C.A. No. 6:24-03077

Southern District of New York

NOAKES v. L'OREAL U.S.A., INC., C.A. No. 1:24-02735
JUDT v. ALCHEMEE, LLC, ET AL., C.A. No. 7:24-02718

District of South Carolina

SANDERLIN v. WALMART, INC., C.A. No. 4:24-01656

**MDL No. 3121 – IN RE: MULTIPLAN HEALTH INSURANCE PROVIDER
LITIGATION**

Motion of plaintiffs Allegiance Health Management, Inc.; Live Well Chiropractic PLLC; and Ivy Creek of Tallapoosa LLC, et al., to transfer the following actions to the United States District Court for the Northern District of Illinois:

Northern District of California

CURTIS F. ROBINSON M.D., INC. v. MULTIPLAN, INC., ET AL.,
C.A. No. 3:24-02993

Northern District of Illinois

ALLEGIANCE HEALTH MANAGEMENT, INC. v. MULTIPLAN, INC., ET AL.,
C.A. No. 1:24-03223
LIVE WELL CHIROPRACTIC PLLC v. MULTIPLAN, INC., ET AL.,
C.A. No. 1:24-03680
IVY CREEK OF TALLAPOOSA LLC, ET AL. v. MULTIPLAN, INC.,
C.A. No. 1:24-03900

Southern District of New York

ADVENTIST HEALTH SYSTEM SUNBELT HEALTHCARE CORPORATION v.
MULTIPLAN, INC., C.A. No. 1:23-07031
CHS/COMMUNITY HEALTH SYSTEMS, INC. v. MULTIPLAN, INC.,
C.A. No. 1:24-03544

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL No. 2873 – IN RE: AQUEOUS FILM-FORMING FOAMS PRODUCTS LIABILITY LITIGATION

Oppositions of plaintiffs Certain Underwriters at Lloyds London, et al., and defendants Coliseum Reinsurance Company, et al., to transfer of the *Certain Underwriters at Lloyds London* action and defendants Endurance American Specialty Insurance Company, et al., to transfer of the *City of Wausau* action to the United States District Court for the District of South Carolina, and motion of defendant 3M Company to transfer the *Antonio* and *Lee* actions to the United States District Court for the District of South Carolina:

Northern District of Alabama

ANTONIO, ET AL. v. 3M COMPANY, INC., ET AL., C.A. No. 5:24-00361
LEE, ET AL. v. 3M COMPANY, INC., ET AL., C.A. No. 5:24-00362

Southern District of New York

CERTAIN UNDERWRITERS AT LLOYD'S LONDON, ET AL. v. BASF CORPORATION, ET AL., C.A. No. 1:24-01684

Western District of Wisconsin

CITY OF WAUSAU v. AGC CHEMICALS AMERICAS, INC., ET AL.,
C.A. No. 3:24-00170

MDL No. 2924 – IN RE: ZANTAC (RANITIDINE) PRODUCTS LIABILITY LITIGATION

Opposition of plaintiff Frank Sardina to transfer of the following action to the United States District Court for the Southern District of Florida:

Northern District of California

SARDINA v. GLAXOSMITHKLINE, LLC, C.A. No. 3:24-02984

MDL No. 2992 – IN RE: BANK OF AMERICA CALIFORNIA UNEMPLOYMENT BENEFITS LITIGATION

Motion of defendant Bank of America N.A. to transfer the following action to the United States District Court for the Southern District of California:

Eastern District of California

GAITAN v. BANK OF AMERICA N.A., C.A. No. 1:24-00300

**MDL No. 3096 – IN RE: PERRY JOHNSON & ASSOCIATES MEDICAL
TRANSCRIPTION DATA SECURITY BREACH LITIGATION**

Opposition of plaintiff Lauren Andersen to transfer of the following action to the United States District Court for the Eastern District of New York:

Middle District of North Carolina

ANDERSEN v. PERRY JOHNSON & ASSOCIATES, INC., ET AL.,
C.A. No. 1:24–00277

MDL No. 3116 – IN RE: LAWRENCE L. CRAWFORD LITIGATION

Motion of plaintiff Lawrence L. Crawford to transfer the following actions to the United States District Court for the District of New Jersey:

Northern District of Georgia

AMERICAN ALLIANCE FOR EQUAL RIGHTS v. FEARLESS FUND
MANAGEMENT, LLC, ET AL., C.A. No. 1:23–03424

Southern District of Ohio

CRAWFORD, ET AL. v. THE CITY OF WHITEHALL, ET AL., C.A. No. 2:23–02962

Eastern District of Pennsylvania

CRAWFORD, ET AL. v. THE POPE, ET AL., C.A. No. 2:24–00659

RULE 11.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Schedule. The Panel shall schedule sessions for oral argument and consideration of other matters as desirable or necessary. The Chair shall determine the time, place and agenda for each hearing session. The Clerk of the Panel shall give appropriate notice to counsel for all parties. The Panel may continue its consideration of any scheduled matters.

(b) Oral Argument Statement. Any party affected by a motion may file a separate statement setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard" and shall be limited to 2 pages.

(i) The parties affected by a motion to transfer may agree to waive oral argument. The Panel will take this into consideration in determining the need for oral argument.

(c) Hearing Session. The Panel shall not consider transfer or remand of any action pending in a federal district court when any party timely opposes such transfer or remand without first holding a hearing session for the presentation of oral argument. The Panel may dispense with oral argument if it determines that:

(i) the dispositive issue(s) have been authoritatively decided; or

(ii) the facts and legal arguments are adequately presented and oral argument would not significantly aid the decisional process. Unless otherwise ordered, the Panel shall consider all other matters, such as a motion for reconsideration, upon the basis of the pleadings.

(d) Notification of Oral Argument. The Panel shall promptly notify counsel of those matters in which oral argument is scheduled, as well as those matters that the Panel will consider on the pleadings. The Clerk of the Panel shall require counsel to file and serve notice of their intent to either make or waive oral argument. Failure to do so shall be deemed a waiver of oral argument. If counsel does not attend oral argument, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision on the basis of the pleadings filed.

(i) Absent Panel approval and for good cause shown, only those parties to actions who have filed a motion or written response to a motion or order shall be permitted to present oral argument.

(ii) The Panel will not receive oral testimony except upon notice, motion and an order expressly providing for it.

(e) Duty to Confer. Counsel in an action set for oral argument shall confer separately prior to that argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication. Oral argument is a means for counsel to emphasize the key points of their arguments, and to update the Panel on any events since the conclusion of briefing.

(f) Time Limit for Oral Argument. Barring exceptional circumstances, the Panel shall allot a maximum of 20 minutes for oral argument in each matter. The time shall be divided among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.