

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

IN RE: ACETAMINOPHEN – ASD/ADHD
PRODUCTS LIABILITY LITIGATION

MDL No. 3043

DEFENDANT WALMART INC.’S MOTION FOR EXTENSION OF TIME

Pursuant to Rule 6.3 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (the “Panel”), Defendant Walmart Inc. (incorrectly named in some matters as “Wal-Mart Stores, Inc.”) (“Defendant” or “Walmart”), moves for a two-week extension of the deadline to respond to the Motion for Transfer filed by Plaintiff Aujenai Thompson, individually and as Guardian Ad Litem of J.D., a minor (“Plaintiff”).

On June 14, 2022, the Panel set a briefing schedule including the following deadlines: Responses to the Motion for Transfer due on or before July 5, 2022; and Reply, if any, due on or before July 12, 2022. (Dkt. No. 6). This matter is not listed as a matter designated for oral argument on July 28, 2022.

Walmart requests a modest two-week extension of the briefing schedule for all parties, which would make Responses to the Motion for Transfer due on or before July 19, 2022 and Reply, if any, due on or before July 26, 2022. Walmart respectfully suggests this brief extension should have no impact on any party’s or the Panel’s ability to prepare for argument. The bases for the requested extension are as follows:

1. The Motion seeks to transfer and coordinate for pretrial purposes nineteen (19) cases alleging various injuries as a result of prenatal exposure to Acetaminophen (listed in Plaintiff’s accompanying Schedule of Actions), as well as “any cases subsequently filed

involving similar facts or claims (‘related actions’), to a single District Court selected by this Panel.” (Dkt. No. 1). The nineteen actions are pending in seven different judicial districts and involve five different defendants—Costco Wholesale Corporation, CVS Health Corporation, Walgreens Boots Alliance, Inc., Safeway, Inc. and Walmart, Inc. Six (6) of the cases involve two (2) defendants and thirteen (13) cases involve a single defendant. Walmart is a defendant in nine (9) of the nineteen (19) cases. The first-filed of the listed actions was filed as recently as June 1, 2022. It is unknown whether service has been fully effectuated as to all of the defendants in all of the nineteen cases. Notably, counsel for Safeway has not yet filed an appearance before the JPML in these matters.

2. Recognizing the very early stage of these proceedings and this developing landscape, Walmart believes there may be near-term opportunities to work with Plaintiffs’ counsel to explore means of cooperatively managing these cases without need for an MDL—including potentially by severance of mis-joined claims and consolidation, transfer and/or re-filing of others. Indeed, such efforts are underway and are expected to be better appreciated in the next few weeks once all defendants listed in Plaintiff’s Schedule of Actions have appeared through counsel in the JPML. In the meantime, no defendant has yet answered, moved to dismiss, or otherwise filed any substantive response to any complaint.

3. Under these circumstances, Walmart and interested parties, including any plaintiffs who may oppose the Motion for Transfer and any current or future defendants who are not parties to this motion, reasonably need additional time to analyze and evaluate the myriad issues raised by the Motion to Transfer.

4. This two-week extension of dates will not result in any prejudice to Plaintiff or, Walmart respectfully submits, unduly burden the Panel. The Motion for Transfer is not scheduled to be heard by the Panel at the July 2022 sitting, and therefore would not be heard until the September 2022 sitting. Under Walmart’s proposed extended schedule, all briefing will be completed more than two months before the September 2022 sitting.

WHEREFORE, Walmart respectfully requests that the Panel grant the requested extensions of time to respond and reply to the Motion for Transfer.

Dated: July 1, 2022

Respectfully submitted,

/s/ Donald F. Zimmer, Jr.

Donald F. Zimmer, Jr. (Bar No. CA 112279)

KING & SPALDING LLP

50 California Street, Suite 3300

San Francisco, CA 94111

Phone: (415) 318-1200

Fax: (415) 318-1300

Email: fzimmer@kslaw.com

**ATTORNEY FOR WALMART INC.
(incorrectly named in some cases as Wal-
Mart Stores, Inc.)**

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PROOF OF SERVICE

I hereby certify that on July 1, 2022, I caused a copy of the foregoing Defendant Walmart Inc.’s Motion for Extension of Time and this Proof of Service to be filed with the Court’s CM/ECF system, which sends a service copy to all counsel in the action at their associate email addresses.

In addition, on July 1, 2022, I caused true and correct copies of those filings to be served by email or First Class U.S. Mail on all persons on the attached lists.

Clerks of the Courts

Via First Class Mail

Western District of Missouri
Western Division Clerk’s Office
Charles Evans Whittaker U.S. Courthouse
400 E. 9th Street
Kansas City, MO 64106

Western District of Missouri
United States Courthouse
222 N. John Q. Hammons Parkway
Springfield, MO 65806

Northern District of California
Ronald V. Dellums Federal Building
& United States Courthouse
1301 Clay Street, Suite 400 S
Oakland, CA 94612

Northern District of California
Phillip Burton Federal Building
& United States Courthouse
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

Central District of California
Western Division
First Street U.S. Courthouse
350 W. 1st Street, Suite 4311
Los Angeles, CA 90012-4565

District of Nevada
Las Vegas Clerk’s Office
333 Las Vegas Blvd South
Las Vegas, NV 89101

District of Minnesota
Diana E. Murphy United States Courthouse
300 South Fourth Street - Suite 202
Minneapolis, MN 55415

Western District of Washington
U.S. District Court Clerk's Office
700 Stewart Street, Suite 2310
Seattle, WA 98101

Western District of Arkansas
John Paul Hammerschmidt Federal Building
35 East Mountain Street
Room 510
Fayetteville, Arkansas 72701-5354

Attorneys for Plaintiffs

No. 2:22-cv-00881 (D. NV)

No. 0:22-cv-01532 (D. MN)

Via First Class Mail

(Counsel has not yet appeared)

Attorneys for Safeway, Inc.

No. 4:22-cv-03288 (N.D. (CA))

Via First Class Mail

(Counsel has not yet appeared)

Attorneys for Rite Aid Corporation

No. 2:22-cv-03882 (W.D. CA)

Via First Class Mail

(Counsel has not yet appeared)

Safe Way, Inc.

c/o CT Corporation System

330 N. Brand Blvd., Ste 7000

Glendale, CA 91203

Rite Aid Corporation

30 Hunter Lane

Camp Hill, PA 17011

Attorneys for Plaintiffs:

No. 4:22-cv-00366

No. 4:22-cv-00367

No. 4:22-cv-00368

No. 4:22-cv-00369

No. 4:22-cv-00370

No. 3:22-cv-05040

Via First Class Mail

Adam W Krause
Robert Kinsman
Krause & Kinsman LLC
4717 Grand Avenue
Suite 250
Kansas City, MO 64112

Charles J Cooper
Davis Cooper
1717 Pennsylvania Avenue N.W.
Suite 1025
Washington, DC 20006

Attorneys for Plaintiffs:

No. 4:22-cv-03238

No. 4:22-cv-03288

No. 2:22-cv-03882

Via First Class Mail

Allen R. Ball
Law Office of Ball & Yorke
1001 Partridge Drive, Suite 330
Ventura, CA 93003

Attorneys for Plaintiffs:

No. 3:22-cv-03408

Via First Class Mail

Khaldoun A. Baghdadi
Walkup Melodia Kelly & Schoenberger
650 California Street, 26th Floor
San Francisco, CA 94108-2615

Attorneys for Plaintiffs:

No. 2:22-cv-03882

Via First Class Mail

Brett Daniel Yorke
Ball and Yorke
1001 Partridge Drive Suite 330
Ventura, CA 93003

Attorneys for Plaintiffs:

No. 2:22-cv-03864

Via First Class Mail

Gerald Blaine Singleton
Singleton Schreiber LLP
Westlake Village
2945 Townsgate Road Suite 200
Thousand Oaks, CA 91361

Watts Guerra LLP
Mikal C. Watts
Millennium Park Plaza RFO,
Suite 410, C112
Guaynabo, Puerto Rico 00966

Attorneys for Plaintiffs:

No. 2:22-cv-00881

No. 2:22-cv-00777

Via First Class Mail

Brian E. Holthus
Jolley Urga Woodbury & Holthus
50 S. Stephanie Street
Ste. 202
Henderson, NV 89012

Attorneys for Plaintiffs:

No. 2:22-cv-00919

No. 2:22-cv-00920

Via First Class Mail

Peter C Wetherall
Wetherall Group, Ltd.
6671 S. Las Vegas Blvd. Ste 210
Las Vegas, NV 89119

Attorneys for Plaintiffs:

No. 5:22-cv-05108

No. 5:22-cv-05109

Via First Class Mail

Justin Christopher Zachary
Denton & Zachary
700 S. German Lane, Suite 101
Conway, AR 72034

Attorneys for Plaintiffs:

No. 0:22-cv-01532

Via First Class Mail

Jared D. Shepherd
Campbell Knutson PA
Grand Oak Office Center I
860 Blue Gentian Rd, #290
Eagan, MN 55121

Attorneys for Plaintiffs:

No. 2:22-cv-00810

Via First Class Mail

Corrie Johnson Yackulic
Corrie Yackulic Law Firm, PLLC
110 Prefontaine Place South, Ste 304
Seattle, WA 98104

Dated: July 1, 2022

Respectfully submitted,

/s/ Donald F. Zimmer, Jr.

Donald F. Zimmer, Jr. (Bar No. CA 112279)

KING & SPALDING LLP

50 California Street, Suite 3300

San Francisco, CA 94111

Phone: (415) 318-1200

Fax: (415) 318-1300

Email: fzimmer@kslaw.com

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MDL Docket No. 3043

SCHEDULE OF ACTIONS

Case Caption	Court	Civil Action No.	Judge
Plaintiff(s): Foley, Samantha; A.V., a minor Defendant(s): Wal-Mart Stores, Inc.	U.S.D.C. Western District of Missouri (Joplin)	3:22-cv- 05040	Judge Greg Kays
Plaintiff(s): Gaddis, Tammy; T.G., a minor Defendant(s): Wal-Mart Stores, Inc.	U.S.D.C. Western District of Missouri (Kansas City)	4:22-cv- 00367	Judge Greg Kays
Plaintiff(s): Nickles, Stephanie; A.N., a minor Defendant(s): Wal-Mart Stores, Inc.	U.S.D.C. Western District of Missouri (Kansas City)	4:22-cv- 00368	Judge Fernando J. Gaitan, Jr.
Plaintiff(s): Hatfield, Robin; C.H., a minor Defendant(s): Wal-Mart Stores, Inc.	U.S.D.C. Western District of Arkansas (Fayetteville)	5:22-cv- 05109	Judge Timothy Brooks

Plaintiff(s): Roberts, Lisa; M.M., a minor Defendant(s): Wal-Mart Stores, Inc.	U.S.D.C. Western District of Arkansas (Fayetteville)	5:22-cv-05108	Judge Timothy Brooks
Plaintiff(s): Rutledge, Tiffany; L.R., a minor Defendant(s): Wal-Mart Stores, Inc.	U.S.D.C. Western District of Washington (Seattle)	2:22-cv-00777	Judge Tana Lin
Plaintiff(s): Maguire, Michelle; Maguire, Derek Defendant(s): Wal-Mart Stores, Inc.	U.S.D.C. Northern District of California (Oakland)	3:22-cv-03238	Judge Maxine Chesney
Plaintiff(s): Thompson, Aujenai; J.D., a minor Defendant(s): Walmart Inc.	U.S.D.C. Northern District of California (Oakland)	4:22-cv-03408	Judge Yvonne Gonzalez Rogers
Plaintiff(s): Chapman, Cherise; D.C., a minor Defendant(s): Walmart Inc.	U.S.D.C. District of Nevada (Las Vegas)	2:22-cv-00919	Judge Jennifer Dorsey