

**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: **May 30, 2024**

LOCATION OF HEARING SESSION: Orrin G. Hatch U.S. Courthouse  
Courtroom 3.100, 3rd Floor  
351 South West Temple  
Salt Lake City, Utah 84101

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:

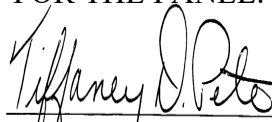
- The Panel carefully considers the positions advocated in filings with the Panel when it allocates time to attorneys presenting oral argument. The Panel, therefore, expects attorneys to adhere to those positions including those concerning an appropriate transferee district. Any change in position should 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 **May 6, 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 Utah

**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 May 30, 2024, the Panel will convene a hearing session in Salt Lake City, Utah, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

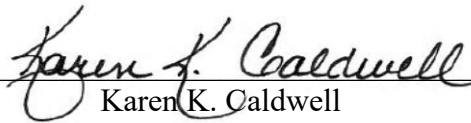
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

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  
May 30, 2024 -- Salt Lake City, Utah

**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. 3107 – IN RE: PASSENGER VEHICLE REPLACEMENT TIRES ANTITRUST LITIGATION**

Motion of plaintiff Rena Sampayan to transfer the following actions to the United States District Court for the Southern District of New York:

Southern District of New York

SAMPAYAN v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL.,  
C.A. No. 1:24–00881  
PURCELL, ET AL. v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL.,  
C.A. No. 1:24–00938  
ISLAMI v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL., C.A. No. 1:24–00967  
WILKERSON FARMS ET, LLC v. CONTINENTAL AKTIENGESELLSCHAFT,  
ET AL., C.A. No. 1:24–00970  
ALFORD v. BRIDGESTONE CORPORATION, ET AL., C.A. No. 1:24–01038  
EDWARDS v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL.,  
C.A. No. 1:24–01092  
TORRES v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL., C.A. No. 1:24–01124  
NOVAK v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL., C.A. No. 1:24–01202  
DAVIDOV, ET AL. v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL.,  
C.A. No. 1:24–01367  
CURRAN, ET AL. v. THE GOODYEAR TIRE & RUBBER COMPANY, ET AL.,  
C.A. No. 1:24–01419  
SPADAFINO v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL.,  
C.A. No. 1:24–01452

Northern District of Ohio

BENGEL v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL., C.A. No. 5:24–00363

District of South Carolina

LINK v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL., C.A. No. 6:24–00913  
VALENZANO v. CONTINENTAL AKTIENGESELLSCHAFT, ET AL.,  
C.A. No. 6:24–00948

**MDL No. 3108 – IN RE: CHANGE HEALTHCARE, INC., CUSTOMER DATA  
SECURITY BREACH LITIGATION**

Motion of plaintiffs Melissa Merry, Robert Reese, Jennifer Stump, and Jimmy Allen to transfer the following actions to the United States District Court for the Middle District of Tennessee:

District of Minnesota

KERIAZIS v. UNITEDHEALTH GROUP INCORPORATED, ET AL.,  
C.A. No. 0:24–00751  
MACKEY v. UNITEDHEALTH GROUP INCORPORATED, ET AL.,  
C.A. No. 0:24–00771

Middle District of Tennessee

MERRY v. CHANGE HEALTHCARE INC., C.A. No. 3:24–00239  
REESE v. CHANGE HEALTHCARE INC., C.A. No. 3:24–00240  
STUMP v. CHANGE HEALTHCARE, INC., C.A. No. 3:24–00255  
ALLEN v. CHANGE HEALTHCARE, INC., C.A. No. 3:24–00263

**MDL No. 3109 – IN RE: VIDEO GAME ADDICTION PRODUCTS LIABILITY  
LITIGATION**

Motion of plaintiffs Casey Dunn, et al.; Preston Johnson, et al.; Cynthia Jimenez; Jaclyn Angelilli; and Harper Glasscock to transfer the following actions to the United States District Court for the Western District of Missouri or, in the alternative, the United States District Court for the Eastern District of Arkansas:

Eastern District of Arkansas

DUNN, ET AL. v. ACTIVISION BLIZZARD, INC., ET AL., C.A. No. 3:23–00224  
JOHNSON, ET AL. v. ACTIVISION BLIZZARD, INC., ET AL., C.A. No. 3:24–00026

Northern District of Illinois

ANGELILLI v. ACTIVISION BLIZZARD, INC., ET AL., C.A. No. 1:23–16566

Southern District of Illinois

JIMINEZ v. MICROSOFT CORPORATION, ET AL., C.A. No. 3:23–03678

Western District of Missouri

GLASSCOCK v. ACTIVISION BLIZZARD, INC., ET AL., C.A. No. 2:24–04036

**MDL No. 3110 – IN RE: GRANULATED SUGAR ANTITRUST LITIGATION**

Motion of plaintiffs KPH Healthcare Services, Inc., and Redner's Markets, Inc., to transfer the following actions to the United States District Court for the Southern District of New York:

District of Minnesota

WNT, LLC, ET AL. v. UNITED SUGAR PRODUCERS & REFINERS COOPERATIVE,  
ET AL., C.A. No. 0:24–00959

MORELOS BAKERY LLC v. UNITED SUGAR PRODUCERS & REFINERS  
COOPERATIVE, ET AL., C.A. No. 0:24–00966

Southern District of New York

KPH HEALTHCARE SERVICES, INC. v. ASR GROUP INTERNATIONAL, INC.,  
ET AL., C.A. No. 1:24–01941

REDNER'S MARKET, INC. v. ASR GROUP INTERNATIONAL, INC., ET AL.,  
C.A. No. 1:24–01968

FOWLER, ET AL. v. ASR GROUP INTERNATIONAL, INC., ET AL.,  
C.A. No. 1:24–01972

**MDL No. 3111 – IN RE: CAPITAL ONE 360 SAVINGS ACCOUNT INTEREST FEE  
LITIGATION**

Motion of defendants Capital One, N.A., and Capital One Financial Corporation to transfer the following actions to the United States District Court for the Eastern District of Virginia:

Central District of California

SIM v. CAPITAL ONE FINANCIAL CORPORATION, ET AL., C.A. No. 2:24–01222

District of New Jersey

PORT v. CAPITAL ONE, N.A., C.A. No. 3:24–01006

Eastern District of New York

BELLANTONI v. CAPITAL ONE FINANCIAL CORPORATION, ET AL.,  
C.A. No. 1:24–01558

Southern District of Ohio

PITTS v. CAPITAL ONE FINANCIAL CORPORATION, ET AL., C.A. No. 3:24–00047

Eastern District of Virginia

SAVETT, ET AL. v. CAPITAL ONE, N.A., ET AL., C.A. No. 1:23-00890  
HOPKINS, ET AL. v. CAPITAL ONE, N.A., ET AL., C.A. No. 1:24-00292

**MDL No. 3112 – IN RE: IOWA STUDENT LOAN LIQUIDITY CORPORATION  
LITIGATION**

Motion of plaintiffs Amanda McDonald, Cassandra Gibson, Jantzen Mason, and Liliana Zambrano, and defendant Iowa Student Loan Liquidity Corporation to transfer the following actions to the United States District Court for the Southern District of Iowa:

Northern District of Iowa

MCDONALD v. IOWA STUDENT LOAN LIQUIDITY CORPORATION,  
C.A. No. 1:23-00111  
GIBSON v. IOWA STUDENT LOAN LIQUIDITY CORPORATION,  
C.A. No. 2:23-01036

Southern District of Iowa

ZAMBRANO v. IOWA STUDENT LOAN LIQUIDITY CORPORATION,  
C.A. No. 3:23-00086  
MASON v. IOWA STUDENT LOAN LIQUIDITY CORPORATION,  
C.A. No. 4:23-00515

**MDL No. 3113 – IN RE: APPLE INC. SMARTPHONE ANTITRUST  
LITIGATION**

Motion, as amended, of plaintiffs Jennifer B. Chiuchiarelli, et al., to transfer the following actions to the United States District Court for the Northern District of California:

Northern District of California

COLLINS, ET AL. v. APPLE INC., C.A. No. 3:24-01796  
DWYER, ET AL. v. APPLE INC., C.A. No. 3:24-01844  
CHIUCHIARELLI, ET AL. v. APPLE INC., C.A. No. 3:24-01895  
MILLER, ET AL. v. APPLE INC., C.A. No. 3:24-01988  
LOEWEN v. APPLE INC., C.A. No. 3:24-02006  
SCHERMER v. APPLE INC., C.A. No. 4:24-01815

District of New Jersey

GOLDFUS v. APPLE INC., C.A. No. 2:24-04108  
KOLINSKY, ET AL. v. APPLE INC., C.A. No. 2:24-04232  
LEVINE v. APPLE INC., C.A. No. 2:24-04284  
KURTZ v. APPLE INC., C.A. No. 2:24-04355

**MDL No. 3114 – IN RE: AT&T INC. CUSTOMER DATA SECURITY BREACH  
LITIGATION**

Motion of plaintiff Alex Petroski to transfer the following actions to the United States District Court for the Northern District of Texas:

Western District of Oklahoma

KNIGHT, ET AL. v. AT&T, INC., C.A. No. 5:24–00324

Northern District of Texas

PETROSKI v. AT&T, INC., C.A. No. 3:24–00757  
MARCH v. AT&T, INC., C.A. No. 3:24–00758  
NELLI v. AT&T, INC., C.A. No. 3:24–00759  
MONTROYA v. AT&T, INC., C.A. No. 3:24–00760  
JARAMILLO v. AT&T, INC., C.A. No. 3:24–00761  
BARKLEY v. AT&T, INC., C.A. No. 3:24–00769  
BAGLEY v. AT&T, INC., C.A. No. 3:24–00770  
CUMO, ET AL. v. AT&T, INC., C.A. No. 3:24–00772  
SLOVENKAY, ET AL. v. AT&T, INC., C.A. No. 3:24–00774  
DEAN v. AT&T, INC, C.A. No. 3:24–00776  
COLLIER v. AT&T, INC., C.A. No. 3:24–00782

**MDL No. 3115 – IN RE: CONSUMER VEHICLE DRIVING DATA TRACKING  
LITIGATION**

Motion of plaintiff Jariya Thongsawang to transfer the following actions to the United States District Court for the Central District of California:

Central District of California

KING, ET AL. v. GENERAL MOTORS LLC, ET AL., C.A. No. 2:24–02560  
THONGSAWANG v. GENERAL MOTORS LLC, ET AL., C.A. No. 8:24–00695

Southern District of Florida

CHICCO v. GENERAL MOTORS LLC, ET AL., C.A. No. 9:24–80281

Eastern District of Michigan

REED, ET AL. v. GENERAL MOTORS LLC, ET AL., C.A. No. 2:24–10804  
BLOCK, ET AL. v. GENERAL MOTORS LLC, ET AL., C.A. No. 2:24–10824



Southern District of New York

LANDMAN v. GENERAL MOTORS LLC, ET AL., C.A. No. 1:24-02238

Middle District of Pennsylvania

DINARDO v. GENERAL MOTORS LLC, ET AL., C.A. No. 3:24-00524

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

**MDL No. 1720 – IN RE: PAYMENT CARD INTERCHANGE FEE AND MERCHANT DISCOUNT ANTITRUST LITIGATION**

Opposition of plaintiff Mirage Wine + Spirits, Inc., to transfer of the following action to the United States District Court for the Eastern District of New York:

Southern District of Illinois

MIRAGE WINE + SPIRITS, INC. v. APPLE INC., ET AL., C.A. No. 3:23–03942

**MDL No. 2151 – IN RE: TOYOTA MOTOR CORP. UNINTENDED ACCELERATION MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION**

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

Eastern District of Washington

DAUGHERTY, ET AL. v. TOYOTA MOTOR SALES USA, INC., C.A. No. 2:24–00067

**MDL No. 2433 – IN RE: E. I. DU PONT DE NEMOURS AND COMPANY C–8 PERSONAL INJURY LITIGATION**

Opposition of defendants E. I. du Pont de Nemours and Company and The Chemours Company to transfer of the following action to the United States District Court for the Southern District of Ohio:

Southern District of West Virginia

COOPER, ET AL. v. E. I. DU PONT DE NEMOURS AND COMPANY, ET AL.,  
C.A. No. 2:23–00678

**MDL No. 2741 – IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION**

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

Southern District of Florida

GOMEZ, ET AL. v. MONSANTO COMPANY, ET AL., C.A. No. 0:24–60355

MDL No. 2843 – **IN RE: FACEBOOK, INC., CONSUMER PRIVACY USER PROFILE LITIGATION**

Opposition of plaintiff Robert Zimmerman to transfer of the following action to the United States District Court for the Northern District of California:

District of District of Columbia

ZIMMERMAN v. META PLATFORMS, INC., ET AL., C.A. No. 1:23–02139

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

Opposition of Endurance American Specialty Insurance Company, et al., to transfer of the *Bouvet* action to the United States District Court for the District of South Carolina and motion of defendant 3M Company to transfer the *Cowart*, *Butler*, *Carter*, and *Whitaker* actions to the United States District Court for the District of South Carolina:

Northern District of Alabama

COWART, ET AL. v. 3M COMPANY, INC., ET AL., C.A. No. 5:24–00060  
BUTLER, ET AL. v. 3M COMPANY, INC., ET AL., C.A. No. 5:24–00069  
CARTER, ET AL. v. 3M COMPANY, INC., ET AL., C.A. No. 5:24–00070  
WHITAKER, ET AL. v. 3M COMPANY, INC., ET AL., C.A. No. 5:24–00071

Western District of Wisconsin

BOUVET, ET AL. v. THE 3M COMPANY, ET AL., C.A. No. 3:24–00041

MDL No. 3083 – **IN RE: MOVEIT CUSTOMER DATA SECURITY BREACH LITIGATION**

Oppositions of certain plaintiffs and defendant M&T Bank Corporation to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

Eastern District of Arkansas

ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM v. PENSION BENEFIT INFORMATION LLC, C.A. No. 4:24–00168

Northern District of California

LEW v. MEDICAL EYE SERVICES, INC., ET AL., C.A. No. 4:24–00532

Southern District of California

BOSLEY, ET AL. v. CALIFORNIA PHYSICIANS' SERVICE, ET AL.,  
C.A. No. 3:24-00229

Western District of New York

TWOGUNS v. M&T BANK CORPORATION, C.A. No. 1:23-00892  
WORMACK v. M&T BANK CORPORATION, C.A. No. 1:23-00912

MDL No. 3087 – **IN RE: FUTURE MOTION, INC. PRODUCTS LIABILITY  
LITIGATION**

Oppositions of plaintiffs Robert Baker, Jr., and Donald Chester, Jr., to transfer of their respective following actions to the United States District Court for the Northern District of California:

Southern District of Florida

BAKER, JR. v. FUTURE MOTION, INC., ET AL., C.A. No. 0:24-60397  
CHESTER v. FUTURE MOTION, INC., ET AL., C.A. No. 0:24-60410

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.