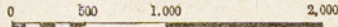


SCALE OF FEET.



SCALE OF METRES.



OUTLINE MAP OF KANSAS CITY. Portion Shown on Main Map in Solid Color.

# Lawyered by Good Lawyers and Judged by Good Judges: Multidistrict Litigation in Kansas City's U.S. District Courts

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As any resident will quickly point out, the city of Kansas City, Missouri, rests on the Missouri side of the border between Kansas and Missouri. This line has been a tumultuous front of American history, going back to Bleeding Kansas in the years leading up to the Civil War. Today, having a boundary like this—a street literally named “State Line Road”—slicing through a major metropolitan area can also cause sharply differing outcomes depending on whether you’re standing a few feet to the east or to the west. In Kansas, sports betting apps are legal but recreational cannabis is not, and vice versa in Missouri. In Kansas, teenagers can earn their driving learner’s permit at age 14, but Missouri teens must wait a whole additional year. Here’s a geekier one: Kansas applies the traditional approach to choice-of-law issues, whereas Missouri applies the Second Restatement approach, which may lead to thorny legal issues when a contract or tortious conduct involves facts on both sides of State Line. There are countless other differences, ranging from silly trivia to serious issues.

Another result of its unique geographical situation is that Kansas City’s metropolitan area includes two U.S. district courts within just a few miles of each other, the District of Kansas and the Western District of Missouri. The District of Kansas covers the entire state, with courthouses in Kansas City (yes, there’s also a Kansas City, Kansas), Topeka, and Wichita. As its name spells out, the Western District of Missouri encompasses the western half of Missouri and has courthouses in Kansas City (Missouri), Jefferson City, and Springfield. The Federal Bar Association chapter for the Districts of Kansas and Western Missouri will host this year’s FBA Annual Meeting in Kansas City. The featured topic of this summer’s issue of *The Federal Lawyer* is multidistrict litigation (MDL, often referred to using the plural MDLs). It seems appropriate then that this issue should include an article discussing MDLs in Kansas City’s federal courts.

To this end, we provide a brief overview of MDL procedure, the

current state of MDL and a peek into its future, a sampling of recent MDLs consolidated in Kansas City-area district courts, and the most important of all: insight and pointers by the dedicated judges who have answered the call to preside over MDL cases—including one who has held the rare office of serving on the Judicial Panel on Multidistrict Litigation (JPML or Panel).

## A Quick Primer on Multidistrict Litigation

Imagine you are a consumer who bought a defective product that caused you harm. You decide to sue the manufacturer for damages, but you are not the only one. Across the country, hundreds or thousands of other consumers have filed similar lawsuits against the same manufacturer, alleging the same or similar claims. How can the federal court system handle such a large and complex litigation efficiently and fairly? One possible answer is MDL.

MDL is not a new phenomenon. It has been around since 1968, when Congress enacted 28 U.S.C. § 1407 to create the Judicial Panel on Multidistrict Litigation, a group of seven federal judges appointed by the Chief Justice of the U.S. Supreme Court. The JPML is responsible for deciding whether to transfer and centralize related cases to a single district and judge for pretrial purposes. The standard for consolidation under § 1407(a) is deceptively simple, providing that “[w]hen civil actions involving one or more common questions of fact are pending in different districts, such actions may be transferred to any district for coordinated or consolidated proceedings.”

In enacting Section 1407, Congress sought to carry out the language and spirit of Federal Rule of Civil Procedure 1: “the just, speedy, and inexpensive determination of every action and proceeding.”<sup>1</sup> Thus, an MDL aims to avoid duplicate discovery, prevent inconsistent pretrial rulings, and conserve resources of the parties, their counsel, and the courts. To decide whether cases feature sufficiently common fact questions warranting MDL transfer, the Panel also considers whether the consolidation or coordination is convenient to the parties and witnesses and whether it will promote the just and efficient conduct of the actions.

Since its creation in 1968, the Panel has centralized more than 1.1 million civil actions for pretrial proceedings.<sup>2</sup> The seven federal judges that make up the panel are selected from the pool of federal district and appellate jurists, but Section 1407 bars more than one judge from the same federal circuit from sitting on the Panel. The current chair of the Panel is Hon. Karen K. Caldwell of the U.S. District Court for the Eastern District of Kentucky. The remaining Panel members, in order of appointment, are Judges Nathaniel M. Gorton (D. Massachusetts), Matthew F. Kennelly (N.D. Illinois), David C. Norton (D. South Carolina), Roger Benitez (S.D. California), Dale A. Kimball (D. Utah), and Madeline Cox Arleo (D. New Jersey).

While the Panel may initiate MDL proceedings on its own, the process typically is triggered by motion practice. Generally, when a party with a lawsuit in one jurisdiction learns of other lawsuits pending in a different jurisdiction, that party will file a motion under Section 1407 for coordinated or consolidated pretrial proceedings, identifying a transferee forum. The moving party must identify the similar lawsuits in a Schedule of Actions and serve the motion on the parties identified in the Schedule of Actions. The Panel issues a briefing schedule order, consisting of deadlines for notices of appearance, corporate disclosure statements, and responses and replies to the motion. The Panel encourages taking alternative steps to MDL centralization, such as engaging in informal coordination of discovery and scheduling and seeking Section 1404 transfers. The Panel meets about every two months and will hear arguments on the motion at that time. As the proceedings advance, new similar lawsuits will likely be filed. The parties have an ongoing obligation to “tag” those similar suits by filing notices of related actions or potential tag-along actions and serving those tagged parties.

If the Panel concludes that the lawsuits are similar enough to warrant MDL transfer, the Panel then decides which judge should oversee the MDL. This is often the subject of dispute by the parties. As to the transferee forum, the Panel considers several factors, including (among others) where relevant witnesses and documents are likely to be found; whether the district has the judicial resources and expertise to manage the litigation efficiently and in a manner convenient for the parties and witnesses; where most of the related actions are filed; and any significant progress that has already occurred for

pending actions in the potential transferee court. While the parties in the related actions will argue where the most appropriate MDL forum is, the Panel considers more than the briefing. For example, the Panel must receive consent from the transferee court to assign the MDL to a judge or judges in that court. If that transferee court does not want the MDL, the MDL will not be transferred there. Thus, although the outlined factors may seemingly dictate one jurisdiction, the MDL will not always be transferred there. While it rarely occurs, the Panel also has the authority to assign the MDL to a district not proposed in the briefing. The Panel generally gives due consideration to the parties’ requests.

So, the Panel has consolidated the related actions and transferred them to the transferee forum—now what? The transferee judge (or MDL judge) will proceed by issuing standing and pretrial orders outlining ground rules for the MDL. They will appoint lead counsel to manage the MDL. Steering committees may also be appointed to manage the substance of the litigation and fact discovery. This procedure allows for completion of all pretrial matters, and then, in theory, the actions are remanded back to their original transferor courts for disposition. In practice, however, most actions consolidated or centralized in the MDL are settled during pretrial proceedings. In some MDLs, a few representative cases (i.e., bellwether cases) are selected to proceed to trial. Typically, plaintiffs will identify a handful of their best cases and defendants will do the same. The outcomes of the bellwether trials may influence the resolution of other cases or encourage settlement negotiations.

MDLs are not without their challenges and criticisms. Some parties, such as non-lead counsel in mass tort cases, may lose autonomy and control over their cases when they are consolidated into an MDL, as decisions are made by the assigned judge rather than individual courts where the cases were originally filed. Another critique is that MDLs can be a lengthy process. Due to the number of cases, the need for coordination among several parties and counsel, and the volume of documents requiring review, parties can find themselves embroiled in an MDL for years. But multidistrict litigation can have many important benefits, such as efficiency, cost savings, judicial expertise, and resolution. “One of the values of multidistrict proceedings is that they bring before a single judge all of the federal cases, parties, and counsel comprising the litigation” and “therefore afford a unique opportunity for the negotiation of a global settlement.”<sup>3</sup>

## The Current MDL Landscape and Horizon

Multidistrict litigation may be more common than many practitioners and judges think it is. As of May 1, 2024, there are 170 pending MDL proceedings, distributed among 47 transferee District Courts.<sup>4</sup> These 170 MDLs are comprised of 432,933 total pending actions, though more than half of these actions (271,118) are part of the single largest MDL in history: *In re 3M Combat Arms Earplug Products Liability Litigation*, MDL No. 2885 (N.D. Fla.). The actions consolidated in MDL proceedings constitute approximately 65 percent of total civil actions pending in the U.S. District Courts. MDL features a range of litigation types. At the end of 2023, 38 percent of pending MDLs were products liability cases, 22 percent were antitrust cases, with the remaining 40 percent of MDLs including employment, contract, securities, and IP cases.<sup>5</sup> Overseeing these MDL dockets are 141 District Judges, comprised of 23 chief judges, 42 senior district judges, and 74 district judges.

In an effort to give MDL firmer structure earlier in the proceed-

ings, there are anticipated changes to the MDL process. The Judicial Conference Committee on Rules of Practice and Procedure (Committee) recently advanced an addition to the Federal Rules of Civil Procedure. This proposed Rule 16.1, titled “Multidistrict Litigation,” would be the first in the FRCP to specially address MDLs and would provide transferee courts with a framework for the initial management of the MDL. This reflects a recognition by the courts of the ongoing prominence of MDL in federal dockets.

### Recent MDL Cases in Kansas City Area Federal Courts

Over the years, Kansas City and surrounds have been home to several MDLs. Between the U.S. District Courts for the Western District of Missouri and the District of Kansas, the Panel has transferred many actions for coordinated or consolidated pretrial proceedings here. Our district courts have presided over the following recent MDL proceedings:

- **Syngenta AG MIR162 Corn Litigation (2:14-md-02591) (Hon. John W. Lungstrum):** This MDL involves claims against Syngenta AG, a multinational agrochemical and biotechnology company, regarding its genetically modified MIR162 corn seed. The litigation consolidated lawsuits filed by U.S. corn growers, grain handling facilities, ethanol production plants, and others in the agricultural industry, who alleged economic losses due to Syngenta’s release of MIR162 corn before it was approved for import by China. The plaintiffs claimed that China’s rejection of shipments containing the unauthorized corn variety caused a decline in corn prices, resulting in financial harm to them. The Panel centralized these cases for coordinated pretrial proceedings to streamline the litigation process in the District of Kansas. The nationwide class action lawsuit ultimately led to a \$1.51 billion settlement.
- **In re: T-Mobile Customer Data Security Breach Litigation (4:21-md-03019) (Hon. Brian C. Wimes):** This MDL involves lawsuits against T-Mobile regarding a 2021 data breach that exposed the sensitive personal information of over 76 million Americans. The litigation consolidated multiple cases brought by customers who alleged that T-Mobile failed to adequately protect their personal information, resulting in unauthorized access and disclosure of sensitive data. The plaintiffs sought damages for the disclosure of their confidential and sensitive personal information. The Panel centralized these cases in the Western District of Missouri. T-Mobile agreed to a \$500 million settlement structured as a \$350 million common fund and a boost in its data security of \$150 million.
- **In Re: Hill’s Pet Nutrition, Inc., Dog Food Products Liability Litigation (2:19-md-02887) (Hon. Julie A. Robinson):** This MDL involves claims against Hill’s Pet Nutrition, a pet food manufacturer, by pet owners alleging harm to their dogs after consuming certain Hill’s Prescription Diet and Science Diet canned foods. The Panel centralized these cases in the District of Kansas. Plaintiffs sought damages relating to the purchases of these dogs’ food with alleged elevated levels of Vitamin D. Hill’s and the plaintiffs agreed to a \$12.5 million settlement to end claims limited to the specific dog food products named in the suit.
- **In Re: Smitty’s/CAM2 303 Tractor Hydraulic Fluid Marketing, Sales Practices and Products Liability Litigation (4:20-md-02936) (Hon. Stephen R. Bough):** This MDL involves claims

against manufacturers Smitty’s Supply Inc. and CAM 2 International, LLC as well as others relating to tractor hydraulic fluid products. The litigation consolidates multiple cases alleging various claims such as misleading marketing, deceptive sales practices, and product liability issues about the 303 tractor hydraulic fluid in the Western District of Missouri. Plaintiffs claim damages resulting from the use of this fluid, including damage to machinery or financial losses. The plaintiffs and retailer defendants have agreed to a class settlement fund of \$7.2 million to release claims against the retailer defendants.

- **In Re: Ahern Rentals, Inc., Trade Secret Litigation (2:20-md-02945) (Hon. Beth Phillips):** This MDL involves allegations of trade secret misappropriation involving Ahern Rentals, Inc. The litigation consolidates multiple lawsuits filed against Ahern Rentals, Inc., regarding the alleged theft or unauthorized use of trade secrets. The plaintiffs claim that Ahern Rentals, Inc., improperly acquired or utilized proprietary information belonging to them, causing financial harm and competitive disadvantage. The MDL centralizes these cases for coordinated pretrial proceedings to efficiently handle common issues and streamline the litigation process in the Western District of Missouri. Through this MDL, on appeal, the Eighth Circuit decided a matter of first impression, concluding in that case, basing a claim “upon information and belief” is not necessarily deficient because “we cannot always expect plaintiffs to provide robust evidentiary support for their allegations at the pleading stage because, in some contexts, that information may not be available to them before discovery.”<sup>6</sup>

These are just a few examples of the various MDL proceedings and the wealth of experience Kansas City’s federal judges have in managing them. Based on these experiences, Kansas City judges provided us with several helpful observations.

### Observations and Perspectives from Kansas City’s MDL Judges

Several district judges in the Districts of Kansas and Western Missouri have shared valuable observations and perspectives applicable to any MDL (or litigation in general).

While U.S. district judges have no control over whether the Panel transfers cases before them, they do control whether to be included in the list of potential transferee judges the Panel considers when deciding whether to grant transfer. This raises a basic question: why would an already-busy district judge volunteer to be considered to oversee such a complex, amorphous proceeding on top of their current civil and criminal dockets? According to one judge in the District of Kansas, multidistrict litigation presents a unique opportunity to work with highly skilled counsel. “The lawyers are so good, and you learn so much. Hard problems are lawyered by good lawyers.” This same judge also offered the more practical reason that it is healthy for the court system for MDLs to be spread around the various districts geographically. In this way, the judiciary can avoid getting to the point where there are established “MDL courts” and “transferor courts.” According to a Western District of Missouri judge, the same internal drive and sense of public responsibility that has led him to his current role as judge pushes him to opt in to the MDL transferee list. Another W.D. Mo. judge agreed to preside over MDLs because they offer something outside the routine of ruling on dispositive motions and criminal sentencing.

Of course, being a species of complex litigation, MDLs present unique challenges to the transferee courts presiding over them. The district judges we spoke with pointed out several. One judge in W.D. Mo. said the challenge is “on the back end,” meaning the administrative heavy lifting required. Because hundreds or thousands of cases have been consolidated for pretrial purposes, there are so many more filings in an MDL than in a typical one-off civil case. Another challenge this judge identified is that, because the vast majority of MDLs settle, there are very few U.S. circuit court and Supreme Court opinions regarding MDLs. The district courts therefore have relatively little guidance here. Like so many challenging tasks, collaboration is key. For this reason, there is an annual MDL Transferee Judge Conference in Palm Beach, Fla., where transferee judges gather to share their experiences, observations, and best practices in managing MDLs.

According to one judge in D. Kan. the biggest challenge for a transferee judge is “keeping up with the lawyers,” which he also phrased as a “sophistication challenge.” The lawyers litigating an MDL seem to be living in the case virtually every moment of their professional lives. As a result, they are deeply immersed in the facts and have a strong grip on the issues. In contrast, a transferee judge overseeing the case has many other civil and criminal matters to address. Without plain and clear lawyering, especially early in the proceedings, it can be “difficult to discuss the issues at a level that is not embarrassing.” Lawyers can make the transferee judge’s job easier by making things plain and clear up front and not assuming the judge can readily identify the key facts and issues on their own.

Individual trials, sometimes called bellwether trials or test cases, are an important case management tool and a unique feature of many MDLs. A bellwether trial allows the parties to test their theories and evidence before a jury and provides valuable information for the resolution of the remaining cases in the MDL. The goal is to “produce a sufficient number of representative verdicts and settlements to enable the parties and the court to determine the nature and strength of the claims.”<sup>7</sup> “The most common bellwether trial discussed in the literature is a single plaintiff or single class trial.”<sup>8</sup> But one Western District of Missouri judge was clear to point out that bellwether trials do not always lead to global settlements. Bellwether trials can be useful, but they are not a silver bullet.

The specter of trial of course raises the prospect of settlement. MDL judges have various views on the role the transferee judge should have in moving the parties in an MDL towards resolution. The view of one judge in the District of Kansas is that in MDLs, because they typically involve sophisticated lawyers representing sophisticated clients, it is solely the purview of the parties to decide when a case is ready for settlement discussions and to initiate such discussions productively, with no prodding or input whatsoever from the judge. In the Western District of Missouri, most cases are automatically included in its Mediation and Assessment Program (MAP) by General Order of the Court.<sup>9</sup> The MAP program includes assigning all non-excluded cases to a mediator. One Western District of Missouri judge recommends that an MDL judge in that district should let the MAP director take the lead in guiding the parties through mediation and settlement discussions.

Other judges have shared their wisdom on this aspect of MDL management. According to a W.D. Mo. judge, it is about moving the cases along: MDLs “are without a doubt more challenging from a legal and management standpoint, but establishing and enforcing a

realistic scheduling order, timely ruling motions, and being available to resolve disputes moves cases.”<sup>10</sup> A D. Kan. judge “believe[s] the most effective way to resolve an MDL is early on to set deadlines, including for trial(s), and stick to them,” as well as “rule on motions, such as for dismissal or for class certification, promptly.”<sup>11</sup> In order to alleviate the challenges inherent in MDL, another District of Kansas judge urges MDL lawyers to make things as easy as possible for the transferee judge to understand up front and to “get in love with the local rules of the transferee court.” A corollary offered by the same judge is not to take issues to the court unnecessarily but instead to “preserve the court’s time and brains for issues that are going to matter in the end.”

One of the most critical decisions that transferee courts and MDL lawyers face in multidistrict litigation is the selection of lead counsel and steering committees, who will play a vital role in shaping the course and outcome of the litigation. “For newly appointed MDL judges, organizing the lawyers is the first and most pressing task.”<sup>12</sup> Lead counsel is charged with formulating and presenting positions on substantive and procedural issues during the litigation. Depending on the case, it may be appropriate to appoint more than one individual to serve as lead counsel, or to designate co-lead counsel or a lead counsel committee. Steering committees are often composed of a broader set of attorneys who each focus on specific aspects of the day-to-day litigation, such as discovery, technology, briefing, science, coordination with state litigation, and trial counsel. But, as one District of Kansas judge cautioned, “no matter how many lawyers you select, there’s going to be more.” According to this same judge, it is helpful to identify a nucleus of lawyers who could work together.

Another important consideration for transferee courts is diversity among lead counsel and steering committees. MDL courts are encouraged now more than ever to appoint leadership that reflects the diversity and representation of the parties and counsel, as well as the broader legal community and society. Diversity not only includes gender, race, national origin, age, sexual orientation, and geographic location, but also attorneys from different types and sizes of law firms and from different areas of practice. In this way, MDL courts can enhance the quality and legitimacy of the litigation, while in class actions still considering the lawyers “best able to represent the interests of the class” under Rule 23(g). The Kansas City area is at the forefront of history in this regard. It is home to just the second woman ever to serve on the JPML: Senior U.S. District Judge Kathryn Vratil of the District of Kansas. Judge Vratil also made history presiding over an MDL in 2015 when she selected the first women-majority plaintiffs steering committee.<sup>13</sup> Echoing their support of this priority, all judges we spoke with said they consider experience and diversity as important factors for selecting MDL leadership.

Also related to case management, we asked judges for their take on Proposed Rule 16.1. Originating from the formation of the MDL Subcommittee of the Advisory Committee on Civil Rules in 2017, proposed Rule 16.1 was unanimously advanced by the Judicial Conference’s Advisory Committee on Civil Rules in April 2024.<sup>14</sup> Expected to go into effect in December 2025, Rule 16.1 would be the first in the Federal Rules of Civil Procedure to specifically address MDLs. The new proposed rule obliges the MDL judge to, among other things, schedule an initial management conference; develop an initial management plan; and order the parties to prepare a report for the management conference that addresses questions about the need, structure, process of appointment, and responsibilities for

leadership counsel as well as how and when the parties will conduct an early exchange of information about the factual bases for their claims and defenses.<sup>15</sup>

The judges we spoke with generally approved of the rule but also noted that it might not have much practical effect, as written, due to its predominantly discretionary language and the fact that, in the absence of guidance from the Federal Rules, MDL transferee courts have already had to develop their own MDL management practices. One benefit observed by a W.D. Mo. judge is that the Rule promotes the early exchange of information. A D. Kan. judge's view is that the Rule merely puts in writing what MDL judges already do. Another W.D. Mo. judge thinks the rule is a helpful way to push MDL cases along and to offer helpful structure to inexperienced MDL judges.

## Conclusion

Multidistrict litigation can be a valuable tool for efficiently managing complex civil cases involving multiple parties and jurisdictions. While it offers various benefits such as efficiency, cost savings, and expertise, it also presents challenges related to unwieldiness and lengthy proceedings. To put it plainly, litigating and presiding over MDLs is hard. But this hearkens back to the judicial observation discussed earlier that “hard problems are lawyered by good lawyers.” As demonstrated by Kansas City’s MDL judges, one could just as aptly observe that hard problems are judged by good judges. ☺



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## Endnotes

<sup>1</sup>*In re Nat. Student Mktg. Litig.*, 368 F. Supp. 1311, 1316 (J.P.M.L. 1972)

<sup>2</sup> See *Table S-20—Other Judicial Business (September 30, 2022)*, U.S. JUD. PANEL ON MULTIDISTRICT LITIG., available at <https://www.uscourts.gov/statistics/table/s-20/judicial-business/2022/09/30>.

<sup>3</sup>MANUAL FOR COMPLEX LITIGATION (FOURTH) § 20.132 (2004).

<sup>4</sup>*MDL Statistics Report – Distribution of Pending MDL Dockets by Actions Pending*, U.S. JUDICIAL PANEL ON MULTIDISTRICT LITIG., available at [https://www.jpml.uscourts.gov/sites/jpml/files/Pending\\_MD\\_L\\_Dockets\\_By\\_Actions\\_Pending-May-1-2024.pdf](https://www.jpml.uscourts.gov/sites/jpml/files/Pending_MD_L_Dockets_By_Actions_Pending-May-1-2024.pdf).

<sup>5</sup>*Calendar Year Statistics, January Through December 2023*, U.S. JUDICIAL PANEL ON MULTIDISTRICT LITIG., available at [https://www.jpml.uscourts.gov/sites/jpml/files/JPML\\_Calendar\\_Year\\_Statistics-CY-2023\\_0.pdf](https://www.jpml.uscourts.gov/sites/jpml/files/JPML_Calendar_Year_Statistics-CY-2023_0.pdf).

<sup>6</sup>*Ahern Rentals, Inc. v. EquipmentShare.com*, 59 F.4th 948, 954 (8th Cir. 2023).

<sup>7</sup>MANUAL FOR COMPLEX LITIGATION (FOURTH) § 22.315 (2004).

<sup>8</sup>Adams, Dwerlkotte, Stueve, McClellan, *Bellwether Trials*, 89 UMKC

L. Rev. 937, 942 (2021).

<sup>9</sup>U.S. District Court for the Western District of Missouri, GENERAL ORDER MEDIATION AND ASSESSMENT PROGRAM, as amended August 1, 2023, available at [https://www.mow.uscourts.gov/sites/mow/files/MAP\\_GO.pdf](https://www.mow.uscourts.gov/sites/mow/files/MAP_GO.pdf).

<sup>10</sup>Hon. Stephen R. Bough & Anne E. Case-Halferty, *A Judicial Perspective on Approaches to MDL Settlement*, 89 UMKC L. REV. 971, 972 (2021).

<sup>11</sup>*Id.*

<sup>12</sup>Hon. Stephen R. Bough & Elizabeth Chamblee Burch, *Collected Wisdom on Selecting Leaders and Managing MDLs*, 106 JUDICATURE 69, 69–77 (2022).

<sup>13</sup>Amanda Bronstad, *In a First, Women Compose Majority of MDL Committee*, LAW.COM (2015), available at <https://www.law.com/nationallawjournal/almID/1202742961283/#:~:text=In%20a%20Thursday%20order%2C%20Vratil%20approved%20a,attorney%20at%20Houston's%20Tracey%20&%20Fox%2C%20who>

<sup>14</sup>Jeff Overley, *After Uproar, New MDL Rule Advances With Attys Assuaged*, LAW360 (Apr. 23, 2024), available at <https://www.law360.com/articles/1823407/after-uproar-new-mdl-rule-advances-with-attys-assuaged>.

<sup>15</sup>Advisory Committee on Civil Rules, Revised Proposed New Rule 16.1 and Note (Apr. 2024), available at [https://www.uscourts.gov/sites/default/files/2024-04-09\\_agenda\\_book\\_for\\_civil\\_rules\\_meeting\\_final\\_4-9-2024.pdf](https://www.uscourts.gov/sites/default/files/2024-04-09_agenda_book_for_civil_rules_meeting_final_4-9-2024.pdf).