

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In Re:  
MEDTRONIC, INC.  
SPRINT FIDELIS LEADS  
PRODUCT LIABILITY LITIGATION

MDL NO. 08-1905 (RHK/JSM)

ORDER NO. 3

THIS DOCUMENT RELATES TO:  
ALL CASES

The above matter came on before the undersigned on May 28, 2008 regarding the designation of Plaintiffs' Lead Counsel, Plaintiffs' Steering Committee, and Liaison Counsel.

The Court, being duly advised in the premises, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED:

1. To act on behalf of plaintiffs, the Court hereby designates the following as lead counsel:

Daniel E. Gustafson, Esq.  
Gustafson Gluek PLLC  
725 Northstar East  
608 Second Avenue South  
Minneapolis, MN 55402  
(612) 333-8844

Plaintiffs' lead counsel shall be a member of and direct the work of the Plaintiffs' Steering Committee. In this regard, plaintiffs' lead counsel shall be responsible for coordinating the activities of plaintiffs during pretrial proceedings and in consultation and with the assistance of Plaintiff's Steering Committee, shall:

A. Determine and present (after consultation with other members of Plaintiffs' Steering Committee), briefs, oral argument, or such other fashion as may be

appropriate, personally or by a designee, to the Court and opposing parties the position of the plaintiffs on all matters arising during pretrial proceedings;

B. Coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure relating to discovery or any other subsequent Order of this Court;

C. Conduct settlement negotiations on behalf of plaintiffs, but not enter binding agreements except to the extent expressly authorized;

D. Delegate specific tasks to other counsel in a manner to ensure that pretrial preparation for the plaintiffs is conducted effectively, efficiently and economically;

E. Enter into stipulations with opposing counsel as necessary for the conduct of the litigation;

F. Prepare and distribute to the parties periodic status reports;

G. Maintain adequate time and disbursement records covering services of designated counsel and establish guidelines for approval by the Court as to the keeping of time records and expenses;

H. Monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;

I. Perform such other duties as may be incidental to proper coordination of plaintiffs' pretrial activities or authorized by further Order of the Court;  
and

J. Submit, if appropriate, additional committees and counsel for designation by the Court.

2. To act on behalf of plaintiffs, the Court hereby designates the following as

Liaison Counsel:

Robert K. Shelquist, Esq.  
Lockridge Grindal Nauen PLLP  
100 Washington Avenue South  
Suite 2200  
Minneapolis, MN 55401  
(612) 339-6900

Plaintiffs' liaison counsel shall:

- A. Maintain and distribute to all other plaintiffs' counsel and to defendants' counsel an up-to-date service list;

- B. On behalf of all counsel for all plaintiffs, receive from defendants, the Court, and third parties, and as appropriate, distribute to all other plaintiffs' counsel the following: written and electronic communications from the Court, defendants and third parties; pleadings; Orders from the Court; and discovery and documents from defendants and third parties.

- C. Maintain and make available to all other plaintiffs' counsel at reasonable hours a complete file of all documents served by or upon each party, and establish and maintain an electronically accessible document depository.

3. To act on behalf of plaintiffs, the Court hereby designates the following as the Plaintiffs' Steering Committee:

Chair of Plaintiffs' Steering Committee  
Charles S. Zimmerman, Esq.,  
Zimmerman Reed PLLP  
651 Nicollet Mall, Suite 501  
Minneapolis, MN 55402  
(612) 341-0400

Richard J. Arsenault, Esq.  
Neblett, Beard & Arsenault  
2220 Bonaventure Court  
P. O. Box 1190  
Alexandria, LA 71309-1190  
(800) 256-1050

C. Brooks Cutter, Esq.  
Kershaw, Cutter & Ratinoff, LLP  
980 Ninth Street  
19th Floor  
Sacramento, CA 95814  
(916) 448-9800

Jim Doyle, Esq.  
Williams, Kherkher, Hart & Boundas LLP  
8441 Gulf Freeway  
Suite 600  
Houston, TX 77017  
(713) 230-2200

R. Jackson Drake, Esq.  
Whatley Drake & Kallas  
1000 Park Place Tower  
2001 Park Place North  
Birmingham, AL 35202  
(205) 328-9576

Nicholas J. Drakulich, Esq.  
The Drakulich Firm  
2727 Camino Del Rio South  
Suite 322  
San Diego, CA 92108  
(858) 755-5887

Wendy R. Fleishman, Esq.  
Lieff, Cabraser, Heimann & Bernstein, LLP  
780 Third Avenue  
48th Floor  
New York, NY 10017  
(212) 355-9500

Michael K. Johnson, Esq.  
Goldenberg & Johnson, PLLC  
33 South Sixth Street  
Suite 4530  
Minneapolis, MN 55402  
(612) 333-4662

Dianne M. Nast, Esq.  
Roda Nast, P.C.  
801 Estelle Drive  
Lancaster, PA 17601  
(717) 892-3000

Tina B. Nieves, Esq.  
Gancedo & Nieves LLP  
418 North Fair Oaks Avenue  
Suite 202  
Pasadena, CA 91103  
(626) 685-9800

Neil D. Overholtz, Esq.  
Aylstock, Witkin, Kreis & Overholtz  
803 North Palafox Street  
Pensacola, FL 32501  
(850) 916-7450

Eric M. Quetglas-Jordan, Esq.  
Quetglas Law Offices  
P. O. Box 16606  
San Juan, PR 00908  
(787) 722-0635

Mark P. Robinson, Jr., Esq.  
Robinson, Calcagnie & Robinson  
620 Newport Center Drive  
Seventh Floor  
Newport Beach, CA 92660  
(949) 720-1288

Camilo K. Salas, III, Esq.  
Salas & Co., L.C.  
650 Poydras Street  
Suite 1660  
New Orleans, LA 70130  
(504) 799-3080

Hunter J. Shkolnik, Esq.  
Rheingold, Valet, Rheingold, Shkolnik & McCartney LLP  
113 East 37th Street  
New York, NY 10016  
(212) 684-1880

Marcus L. Stevenson, Esq.  
Sanford, Stevenson Riff LLP  
2016 Bissonnet Street  
Houston, TX 77005  
(800) 240-2460

Fred Thompson, III, Esq.  
Motley Rice LLC  
28 Bridgeside Boulevard  
P. O. Box 1792  
Mt. Pleasant, SC 29464  
(843) 216-9000

Teresa Toriseva, Esq.  
Wexler, Toriseva Wallace LLP  
1446 National Road  
Wheeling, WV 26003  
(304) 238-0066

Leila H. Watson, Esq.  
Corey, Watson, Crowder & DeGaris, P.C.  
2131 Magnolia Avenue  
Birmingham, AL 35205  
(205) 328-2200

4. To act on behalf of defendants, the Court hereby designates the following as Liaison Counsel for defendants:

George W. Soule, Esq.  
Jennifer K. Huelskoetter, Esq.  
Melissa R. Stull, Esq.  
Bowman & Brooke LLP  
150 South Fifth Street  
Suite 3000  
Minneapolis, MN 55402  
(612) 339-8682

Defendants' liaison counsel shall

A. Maintain and distribute to all other plaintiffs' counsel and to defendants' counsel an up-to-date service list;

B. On behalf of all counsel for all defendants, receive from plaintiffs, the Court and third parties, and as appropriate, distribute to all other defendants'

counsel the following: written and electronic communications from the Court, plaintiffs and third parties; pleadings; Orders from the Court; and discovery and documents from plaintiffs and third parties.

Dated: May 30, 2008

*s/ Richard H. Kyle*  
RICHARD H. KYLE  
United States District Judge

*s/ Janie S. Mayeron*  
JANIE S. MAYERON  
United States Magistrate Judge