

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE:)	
MEDTRONIC, INC.,)	Multidistrict
SPRINT FIDELIS LEADS)	Litigation
PRODUCTS LIABILITY LITIGATION)	File No. 08-1905
)	(RHK/JSM)
THIS DOCUMENT RELATES)	
TO ALL CASES)	Saint Paul, Minnesota
)	July 14, 2008
)	10:30 a.m.
)	

BEFORE THE HONORABLE RICHARD H. KYLE
 UNITED STATES DISTRICT COURT JUDGE
 AND THE HONORABLE JANIE S. MAYERON
 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE
(STATUS CONFERENCE)

APPEARANCES

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P R O C E E D I N G S

IN OPEN COURT

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4 THE COURT: We're here on In re: Medtronic, Inc.
5 Sprint Fidelis Leads Products Liability Litigation, civil
6 file number 08-1905. Why don't we get the appearances of
7 counsel.

8 MR. GUSTAFSON: Good morning, your Honor. Dan
9 Gustafson on behalf of the Plaintiffs.

10 MR. ZIMMERMAN: Good morning, your Honor. Charles
11 Zimmerman on behalf of the Plaintiffs.

12 MR. SHELQUIST: Good morning. Rob Shelquist on
13 behalf of the Plaintiffs.

14 MR. RING: Good morning, your Honor. Dan Ring on
15 behalf of the Defendants.

16 MR. SOULE: George Soule on behalf of the
17 Defendants.

18 THE COURT: Okay. We're here as a result of a --
19 the parties had filed a joint status report which is before
20 the Court setting forth a number of items which the Court
21 will need some information on, and their responses to those
22 items. It's my understanding that the only issue that is
23 really available -- not available but up for discussion this
24 morning is the question of state liaison counsel and I would
25 like to hear from counsel on that.

1 MR. GUSTAFSON: That's right, your Honor. Again,
2 Dan Gustafson on behalf of the Plaintiffs. And we did not
3 file that status report but we will file that on the ECF
4 system. We were unclear about whether to do that or not, so
5 we will file that but we did circulate it.

6 And with respect to the Plaintiffs' state liaison
7 counsel, we think that's a position that should be appointed
8 but not yet. Judge Denise Reilly in Hennepin County is the
9 judge who has had the cases -- the companions in front of
10 her in the state court proceedings and she has not yet had a
11 status conference. Mr. Soule sent a letter to Judge Reilly
12 I think about ten days ago, perhaps two weeks ago, with the
13 Plaintiffs' consent in this case advising Judge Reilly of
14 the status of this case and providing copies of the orders
15 that had been entered by your Honors with respect to the
16 preservation and protective order, things of that nature,
17 and the scheduling order.

18 We expect that Judge Reilly will have a status
19 conference in the next 30 days or so.

20 THE COURT: Those matters are what? They have
21 been stayed in state court?

22 MR. GUSTAFSON: They were stayed pending a
23 decision by the MDL to send the case to you, your Honor.
24 And then we have not -- no one has sought to activate those
25 cases so they are stayed pending further order of the Court.

1 And we expect after the status conference that we would have
2 a resolution of that matter.

3 THE COURT: Okay. From the Defense standpoint?

4 MR. RING: Dan Ring, your Honor. The Defense
5 agrees with the need for coordination and we have no problem
6 with deferring the matter for now until we learn more from
7 Judge Reilly. So we're in agreement with the Plaintiffs'
8 approach.

9 THE COURT: Well, unless counsel has some either
10 objection to it or views of it, but I think that Judge
11 Mayeron and I will contact separately Judge Reilly to get
12 her views so we can find out in a little more detail what's
13 going on in her court and what, if anything, she has in mind
14 for the future. And we'll report back to you at the next
15 status conference.

16 MR. GUSTAFSON: We think that's a good approach,
17 your Honor.

18 MR. RING: And we agree.

19 THE COURT: I just have a note here from Judge
20 Mayeron. Is there anybody else here not at counsel table
21 whose appearances have not been noted who would like to have
22 their appearance noted on behalf of any other parties or
23 interested observers or along those lines?

24 MS. PEARSON: Your Honor, my name is Gale Pearson
25 and I do not have cases filed in the MDL court. My cases

1 are out of state court so I was here as an observer and so I
2 have nothing.

3 THE COURT: Is it P-E-A-R-S-O-N?

4 MS. PEARSON: It is, your Honor. And it's
5 G-A-L-E.

6 THE COURT: Not with a Y. I will write that down.

7 MS. PEARSON: My father wanted a son.

8 And, your Honor, from my office also is Mr. Ken
9 Labore, and we will be working on the state court cases.
10 Thank you.

11 THE COURT: Glad to have both of you here and
12 we'll look forward to, I'm sure, seeing you in the future.
13 Do you have anything to report on what's gone on in front of
14 Judge Reilly or contrary to what counsel has advised us?

15 MS. PEARSON: Nothing in addition to what Dan
16 Gustafson has said to your Honor.

17 THE COURT: Okay. What else can we cover here
18 this morning?

19 MR. GUSTAFSON: That's all we have from the
20 Plaintiffs, your Honor.

21 THE COURT: Okay.

22 MR. RING: That's all from the Defendants although
23 we will advise the Court regarding the briefing of the
24 motions to dismiss.

25 THE COURT: I should say for the record we had a

1 conference with counsel immediately preceding the hearing
2 here this morning to discuss the agenda, and among the
3 topics that came up at that time were the motions to dismiss
4 and the briefing format of those motions. And I guess
5 counsel has talked about that further, but I think I've
6 indicated that I have no objection to extending the word
7 limitations from 24,000, which would cover the two motions
8 or two cases, to 30,000. And there were some other details
9 that may be worked out but you will keep the Court advised
10 on them.

11 MR. RING: We will, your Honor.

12 THE COURT: Judge Mayeron, do you have anything?

13 MAGISTRATE JUDGE MAYERON: No, I don't. We did
14 receive from -- you all can be seated. You don't need to
15 keep standing.

16 We did -- in the status report as requested --
17 jointly Plaintiffs and Defendants did report on the items
18 that we did want to cover here at the status conference. My
19 understanding from Mr. Gustafson is a copy of that status
20 report, while it wasn't filed electronically, it was sent
21 out to all of those parties who are -- who he has e-mail
22 addresses for. So hopefully and presumably all Plaintiffs'
23 counsel did receive a copy of that status report. In the
24 future we've asked that they be filed electronically so
25 anyone can obtain a copy of the status report.

1 And jointly, Plaintiff and Defense counsel did
2 indicate all of the steps they had taken as we had requested
3 in terms of getting a protective order in place which has
4 been signed, a preservation order, other items that we asked
5 that the parties address and what the status were. And the
6 Court appreciates that it. Has no questions or issues with
7 what you've reported and in terms of how you all are moving
8 the case along.

9 The other thing is that I did note that our next
10 status conference is scheduled for, I believe, August 27th
11 at 10:00 a.m. And, again, it will be here in this courtroom
12 with us having a pre-status conference with liaison counsel
13 for both sides currently scheduled at 9:00 a.m., and then
14 jointly you will file an agenda on any issues.

15 If in fact we determine that there is nothing to
16 do here, we'll let you know on a timely basis as to whether
17 the status conference would be canceled. But our intention
18 at this point is to go forward with that on August 27th.

19 That will be our last status conference then here
20 in these temporary quarters and after that then we will be
21 back in the Warren Burger Building. Just so you all
22 remember that and don't come to the wrong courtroom when we
23 have our next conference after that.

24 MR. GUSTAFSON: It seems like just yesterday but
25 it's really been amazing how quickly and well it has gone.

1 THE COURT: Almost three years ago.

2 MR. GUSTAFSON: It just doesn't seem that long at
3 all.

4 THE COURT: It doesn't. Well, while it was going
5 on it seemed like a lot longer but right now it does not.
6 We moved out on September 30th of '05 over a weekend and
7 been here ever since. It's worked out pretty well.

8 MAGISTRATE JUDGE MAYERON: The only question I
9 have -- and maybe someone here in the audience knows this --
10 the August 27th status conference, how does that relate to
11 the Republican Convention?

12 THE CLERK: It's before.

13 MAGISTRATE JUDGE MAYERON: I was concerned about
14 parking.

15 THE COURT: The Republican Convention is the day
16 after Labor Day.

17 MAGISTRATE JUDGE MAYERON: I know it was crossing
18 with the State Fair.

19 THE COURT: It starts on Monday or September --

20 MR. SOULE: I think it's September 1st through the
21 4th.

22 MAGISTRATE JUDGE MAYERON: It will be after. I
23 just wanted to make sure.

24 THE COURT: As soon as they move out of town, we
25 move assuming that the building is still there.

1 MAGISTRATE JUDGE MAYERON: Still standing.

2 MR. GUSTAFSON: Depends on what the protesters do.

3 THE COURT: It depends on where Judge Erickson
4 runs the parade route. I have my views on it, but I want
5 everybody to know I have not talked with her about that.

6 Okay. Anything else?

7 MR. GUSTAFSON: Nothing else from Plaintiffs.

8 THE COURT: Thank you all for coming in. We'll
9 see you in a month. We're in recess.

10 (Court adjourned at 10:30 p.m.)

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14 I, Carla R. Bebault, certify that the foregoing is
15 a correct transcript from the record of proceedings in the
16 above-entitled matter.

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19 Certified by: s/ Carla R. Bebault
20 Carla R. Bebault, RPR, CSR

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