

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS
LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

This Document Relates to All Actions and
Specifically to:
Eugene Clasby,

Plaintiff,

v. Civ. No. 05-2596 (DWF/AJB)

Guidant Corporation,
Defendant.

Leland H. Braund,

Plaintiff,

v. Civ. No. 05-2035 (DWF/AJB)

Guidant Corporation, Guidant Sales
Corporation, and Cardiac Pacemakers, Inc.,
Defendants.

Stanley G. Beranek,

Plaintiff,

v. Civ. No. 05-272 (DWF/AJB)

Guidant Corporation and Guidant Sales
Corporation,
Defendants.

Joyce Broussard Valls and Ed Valls,
Plaintiffs,

v. Civ. No. 05-53 (DWF/AJB)

Guidant Corporation, Guidant Sales
Corporation, and Cardiac Pacemakers, Inc.,
Defendants.

PRETRIAL ORDER NO. 31

The Court asked the parties for stipulated scheduling orders for the above-listed bellwether trials numerous times, most recently on March 19, 2007. (MDL 05-1708 (DWF/AJB), Doc. No. 1358). On March 27, 2007, Guidant provided the Court with its proposed scheduling orders. Although it requested staggered dispositive and *Daubert* dates in *Duron*, it did not request staggered dates for the subsequent trials. To date, Plaintiffs have not submitted any proposed orders, but, in their March 29, 2007 letter, they did ask that all fact discovery close in the four trials as of May 1, 2007.¹ Based on a review of Guidant's proposal and the Court's schedule, the chart attached to this Order shall apply to the four bellwether trials listed above. The trial details listed in PTO No. 25 and in the Second Amendment to PTO No. 25 shall apply to these trials.

Finally, in all of the bellwether trials, including *Duron*, the parties shall submit joint jury instructions, not separate instructions. The parties shall use black ink to depict all instructions on which they agree. For those instructions (or portions of instructions) on which they do not agree, each party shall use a different color of ink to show their proposed instruction. The parties are instructed to work together to ensure that the instructions contain mostly black ink.

Dated: April 2, 2007

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court

¹ In addition, Plaintiffs have not filed their notice of trial counsel in any of the bellwether cases.

<u>Event</u>	<i>Clasby</i> <u>No Later Than</u>	<i>Braund</i> <u>No Later Than</u>	<i>Beranek</i> <u>No Later Than</u>	<i>Valls</i> <u>No Later Than</u>
Fact discovery closes	April 10, 2007	May 1, 2007	May 1, 2007	May 1, 2007
Plaintiffs disclose experts	April 2, 2007	May 2, 2007	May 25, 2007	June 19, 2007
Guidant discloses experts	April 16, 2007	May 16, 2007	June 8, 2007	July 3, 2007
Plaintiffs' experts' reports due	April 16, 2007	May 16, 2007	June 8, 2007	July 3, 2007
Guidant's experts' reports due	April 30, 2007	June 4, 2007	June 22, 2007	July 17, 2007
Dispositive/ <i>Daubert</i> motions filed	May 22, 2007	June 20, 2007	July 23, 2007	August 7, 2007
Oppositions to dispositive/ <i>Daubert</i> motions filed	June 4, 2007	July 6, 2007	August 10, 2007	August 31, 2007
Replies to dispositive/ <i>Daubert</i> motions filed	June 14, 2007	July 16, 2007	August 16, 2007	September 14, 2007

<u>Event</u>	<u>Clasby No Later Than</u>	<u>Braund No Later Than</u>	<u>Beranek No Later Than</u>	<u>Valls No Later Than</u>
Dispositive/ <i>Daubert</i> motions hearing at the St. Paul interim courthouse located at 180 East Fifth Street, St. Paul, Minnesota 55101 ²	June 18, 2007 at 9:00 a.m. Courtroom 2	July 23, 2007 at 9:00 a.m. Courtroom 1	August 22, 2007 at 9:00 a.m. Courtroom 1	September 20, 2007 at 9:00 a.m. Courtroom 1
Dispositive/ <i>Daubert</i> motions ruling	July 10, 2007	August 14, 2007	September 10, 2007	October 9, 2007
Statement of the Case; Exhibit List; Witness List; Deposition Testimony List; Motions in Limine Filed ³	July 13, 2007	August 17, 2007	September 14, 2007	October 12, 2007

² The Court reserves the right, with input from the parties, to rule on the dispositive/*Daubert* motions without oral argument.

³ Please see PTO No. 25 for a detailed description of the pretrial materials to be submitted.

<u>Event</u>	<i>Clasby</i> <u>No Later</u> <u>Than</u>	<i>Braund</i> <u>No Later</u> <u>Than</u>	<i>Beranek</i> <u>No Later</u> <u>Than</u>	<i>Valls</i> <u>No Later</u> <u>Than</u>
Objections to Exhibit List; Objections to Witness List; Objections to Deposition Testimony; Objections to Motions in Limine; Joint Statement of the Case; Proposed Voir Dire; Proposed Jury Instructions; Proposed Special Verdict Forms	July 24, 2007	August 24, 2007	September 21, 2007	October 19, 2007
Pretrial conference at the St. Paul interim courthouse located at 180 East Fifth Street, St. Paul, Minnesota 55101	August 15, 2007 at 9:00 a.m. Courtroom 1	September 12, 2007 at 9:00 a.m. Courtroom 1	October 10, 2007 at 9:00 a.m. Courtroom 1	November 14, 2007 at 9:00 a.m. Courtroom 1
Voir Dire at the United States Federal Courthouse at 300 South 4th Street, Minneapolis, Minnesota	August 24, 2007 at 9:00 a.m. Courtroom 15	September 21, 2007 at 9:00 a.m. Courtroom 15	October 19, 2007 at 9:00 a.m. Courtroom 15	November 26, 2007 at 9:00 a.m. Courtroom 15

<u>Event</u>	<i>Clasby</i> <u>No Later Than</u>	<i>Braund</i> <u>No Later Than</u>	<i>Beranek</i> <u>No Later Than</u>	<i>Valls</i> <u>No Later Than</u>
Trial begins at the United States Federal Courthouse at 300 South 4th Street, Minneapolis, Minnesota	August 27, 2007 at 9:00 a.m. Courtroom 15	September 24, 2007 at 9:00 a.m. Courtroom 15	October 22, 2007 at 9:00 a.m. Courtroom 15	November 27, 2007 at 9:00 a.m. Courtroom 15

