

**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:

Joseph Alatorre, David D. Cole, Dorothy
Foster, and Howard Weber, individually and
on behalf of all others similarly situated,

Plaintiffs,

v. Civil No. 06-1195 (DWF/AJB)
Guidant Corporation, Guidant Sales
Corporation, and Does 1 through 25,

Defendants.

(as to Plaintiff Howard Weber only)

ORDER

Plaintiffs commenced this action on March 16, 2006, in the Central District of California. Plaintiff Howard Weber died on May 12, 2006. Pursuant to Federal Rule of Civil Procedure 25(a)(1), Irwin Pomerantz now seeks an Order from this Court substituting him, in his capacity as Executor for the Will of Howard Stuart Weber, as a plaintiff in this action. Guidant does not oppose this motion but reserves the right to challenge this substitution, should discovery reveal facts different from those set forth above. Having considered the submissions and reviewed the procedural history of the file,

IT IS HEREBY ORDERED:

1. Irwin Pomerantz's Motion to Substitute Party (Civ. No. 06-1195 (DWF/AJB), Doc. Nos. 4 and 6) is **GRANTED**.

2. Irwin Pomerantz, in his capacity as Executor for the Will of Howard Stuart Weber, shall be substituted for Howard Stuart Weber, referred to in the Complaint as "Howard Weber," in the above-captioned matter.

Dated: December 6, 2006

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