

**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.

**ORDER REGARDING
SETTLEMENT, SETTLEMENT
CONSIDERATION FORM, AND
ASSOCIATED DEADLINE**

The Guidant Defendants and the Plaintiffs' Lead Counsel Committee ("LCC"), pursuant to paragraph 10(b) of Pretrial Order 2, entered into a proposed settlement of this litigation on July 12, 2007. If the requisite conditions are met, the proposed settlement contemplates that claimants who participate could receive payments as early as November of 2007. In order to be considered for inclusion in the settlement and to determine eligibility, a Claimant must timely submit the attached Settlement Consideration Form ("SCF"). This form has been jointly drafted and agreed to by the Plaintiffs' Lead Counsel Committee ("LCC") and Defendants without input from the Court and after reviewing the Court's Orders in *Duron*. Additional details will be made available shortly in communications and orders of the Court, including how and when Claimants must decide whether to participate. The Court, however, reserves the right to adjust any dates and deadlines for good cause shown or in the interest of justice. The proposed settlement is not a class action settlement. Claimants will individually determine whether they wish to participate.

Accordingly, based on the review of the parties' proposed settlement, and pursuant to the Court's authority as a transferee court and a court of original jurisdiction in this MDL proceeding and in furtherance of its jurisdiction and to effectuate and promote the fair and efficient management and promotion of the reasonable ultimate resolution of these proceedings, the Court hereby orders as follows:

1. All bellwether trial dates, as well as all pending deadlines and discovery obligations, are hereby suspended pending implementation of the settlement or further Order of this Court. The Court will issue an Order shortly addressing the status of any motions currently pending;

2. Magistrate Judge Arthur J. Boylan will act as Special Master and Patrick Juneau will act as assistant Special Master to supervise the implementation, administration, and allocation of the settlement. In addition, Magistrate Judge Arthur J. Boylan will retain his current powers under 28 U.S.C. § 636 and Local Rule 72.1;

3. As defined in the proposed settlement, Claimants consist of "all individuals (i) as to which representation agreements have been reached as of July 12, 2007, with any lawyers and/or law firms who have at least one case pending in MDL 1708 or pending before the Judicial Panel on Multidistrict Litigation by having been included in a tag-along notice sent to the JPML as of July 12, 2007 ("pending in the MDL"), and (ii) have filed or unfiled claims against Guidant arising out of or related to a Guidant cardiac resynchronization therapy device (CRT-D or CRT-P), implantable cardioverter defibrillator (ICD) or pacemaker, regardless of whether the individual has a case or claim pending in the MDL, other federal court, state court or has not filed any claim. Spouses,

children and/or heirs, together with the person who was implanted with a Guidant CRT-D, CRT-P, ICD or pacemaker, shall constitute a single Claimant. Claimant shall also include unrepresented individuals with cases pending in the MDL.”

4. The attached SCF has been jointly drafted and agreed to by the LCC and Defendants to assist the parties and the Court in connection with the proposed settlement;

5. All Claimants must submit a completed SCF, electronically transmitted to the individuals listed below by **August 13, 2007**. Each attorney representing a Claimant is responsible for ensuring that each Claimant he or she represents timely submits a completed SCF. All Claimants not represented by counsel are responsible for timely submitting their own completed SCF. If a Claimant is not represented by counsel and does not have access to a computer and/or e-mail in order to electronically transmit their completed SCF, such Claimant should call Elizabeth Peterson at 800-755-0098, who will help that Claimant submit his or her SCF electronically. The SCFs must be transmitted to each of the following:

Magistrate Arthur J. Boylan
GuidantMDL@mnd.uscourts.gov

Patrick Juneau
paj@juneaulaw.com

Charles S. Zimmerman, Esq.
eap@zimmreed.com

Timothy A. Pratt, Esq.
declarations@shb.com

6. The LCC is permitted to disseminate to individual Plaintiffs and Plaintiffs’ counsel a memorandum addressing commonly asked questions and answers (“Q&A”),

the anticipated timeline, and summary of the status of the litigation. All recipients of these items shall be subject to the Protective Order that was entered into on October 12, 2005, and adopted by the Court on January 6, 2006, and shall also be subject to paragraph 7 below;

7. The Court is aware that there has been a breach of Magistrate Judge Boylan's Order addressing the confidentiality of the July 12, 2007 proposed settlement. The Court Orders that all parties shall keep confidential documents confidential. Under penalties of contempt and/or other appropriate sanctions, all parties in furtherance of their obligations may not, under any circumstances, divulge any aspect of or terms of any confidential document related to this MDL or the proposed settlement to any other entity, person, or party until further order of the Court, except that Guidant may make any disclosures it deems necessary to its accountants, auditors, other financial representatives, insurers, and other related business entities.

8. This Court has and retains jurisdiction over all aspects of the settlement, including, but not limited to, the implementation, execution, enforcement of the settlement and interpretation of the settlement agreement.

Dated: July 16, 2007

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