

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP.
IMPLANTABLE DEFIBRILLATORS
PRODUCTS LIABILITY LITIGATION

MDL Case No. 05-1708 (DWF/AJB)

This Document Relates to All Actions

PRETRIAL ORDER NO. 15

**ESTABLISHING PROTOCOL FOR DISCOVERY AND TESTING
REGARDING DEVICES IN PLAINTIFFS' POSSESSION**

1. Pursuant to the parties' stipulation and the Federal Rule of Civil Procedure 26, any Plaintiff in possession of a device at issue must produce to Defendants, within thirty (30) days from the date of this Order, the following discovery:

- A. The model number and serial number of each device at issue.
- B. All documents, photographs, and other records that relate to any device testing, including visual inspections, data downloads, interrogations, or any other type of testing that Plaintiffs might have conducted on the devices at issue.
- C. All documents that relate to any autopsy reports of Plaintiffs' decedents.
- D. All documents that relate to the cause of death of Plaintiffs' decedents.

2. In addition, any Plaintiff in possession of a device at issue must produce that device to Defendants, according to the schedule set out in Paragraph 3, for testing and analysis in the presence of Plaintiff or Plaintiff's designated representative. Such analysis and testing shall include the following:

- A. Performing "Save to Disk" and "Hex Dump" downloads.
- B. Visually inspecting the devices at issue.
- C. Performing electrical and/or destructive analysis and testing as permitted by the Court or agreed to by the parties.

3. Schedule for device production:

A. Plaintiffs who are in possession of their devices and alleging death must produce their devices, within thirty (30) days of the date of this Order, to Joseph Price, Esq., FAEGRE & BENSON, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-3901, (612) 766-7000. A list of Plaintiffs who are alleging death is attached as **Attachment A**.

B. Plaintiffs who are in possession of their devices and alleging physical injury must produce their devices, within sixty (60) days of the date of this Order, to Joseph Price, Esq., FAEGRE & BENSON, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-3901, (612) 766-7000.

C. Plaintiffs who are in possession of their devices and not alleging physical injury must produce their devices, within ninety (90) days of the date of this order, to Joseph Price, Esq., FAEGRE & BENSON, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-3901, (612) 766-7000.

4. Any Plaintiff who is no longer in possession of a device at issue must provide, within thirty (30) days from the date of this Order, any and all information related to the current whereabouts of that device unless it is in Defendants' possession.

IT IS SO ORDERED.

Dated: July 24, 2006

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