

**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

PRETRIAL ORDER NO. 28

On February 6, 2007, Guidant and the Plaintiffs' Lead Counsel Committee filed a stipulation related to punitive damages. (MDL 05-1708 (DWF/AJB), Doc. No. 1145).

Based on that stipulation, it is **HEREBY ORDERED** that:

1. Plaintiffs are not required to file a motion establishing their entitlement to punitive damages. Plaintiffs are given permission to amend the Master Complaint *nunc pro tunc* as of the date of its filing, April 24, 2006, to assert a claim for punitive damages.
2. Nothing in this Order shall alter the substantive law applicable to any party's claim for punitive damages.
3. Plaintiffs, through the Plaintiffs Lead Counsel Committee, may file and serve their Amended Master Complaint within 15 days from the date of this Order.

Dated: February 6, 2007

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