

**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. 33

This matter is before the Court on Plaintiffs' Submission Concerning Representative Trial and Further Proceedings (MDL No. 1708 (DWF/AJB), Doc. No. 1964), whereby Plaintiffs specifically request the Court to Order a discovery cut-off date for the discovery relating to the VENTAK PRIZM 2 DR. Model 1861 (the "Prizm 2") and request consideration of issues relating to the current representative trial process and future proceedings. Based upon the parties submissions, arguments of counsel, together with all pleadings, records, and files herein, the Court grants Plaintiffs request to the extent that they request that discovery shall be complete relating to the Prizm 2 as of July 10, 2007.

It is **HEREBY ORDERED** that:

1. The deadline for the completion of discovery relating to the Prizm 2 shall be July 10, 2007. This includes all discovery that is reasonably calculated to lead to the discovery of admissible evidence concerning at least one of Plaintiffs' claims or defenses as to the Prizm 2 and as already limited as to scope pursuant to party agreement. Given that it is now the eve of trial, the Court assumes that there are no issues related to the

scope of such party agreement, especially in light of the fact that neither party has sought intervention of the Court during the approximately eighteen-month discovery period on the Prizm 2.

2. The Court also Orders the parties to meet and confer as to the next steps to be taken in this MDL, including a discovery plan as to any and all remaining devices. To the extent the parties do not agree on a plan, the parties shall submit their representative positions as to their plans no later than October 1, 2007.

Dated: June 20, 2007

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