

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA

Chambers of
DONOVAN W. FRANK
DISTRICT JUDGE

Warren E. Burger Federal Building
316 North Robert Street, Room 738
St. Paul, Minnesota 55101
(651) 848-1290

May 25, 2007

BY U.S. MAIL & ECF

Hunter Shkolnik, Esq.
Rheingold, Valet, Rheingold,
Shkolnik & McCartney LLP
113 E. 37th Street
New York, New York 10016

Jason A. Itkin, Esq.
5 Houston Center
1401 McKinney Street, Suite 2550
Houston, Texas 77010

Re: *Julia Cowdrey and Timothy Cowdrey v. Guidant Corporation, et al.*
Civil No. 07-2362 (DWF/AJB)
AND
Julia Cowdrey v. Guidant Corporation
Civil No. XX-XXXX (DWF/AJB)

Dear Mr. Shkolnik and Mr. Itkin:

On May 18, 2007, Mr. Shkolnik filed a Complaint by Adoption on behalf of Julia Cowdrey and Timothy Cowdrey. The Complaint states that Julia Cowdrey is a citizen and resident of Tulsa County, Oklahoma, and on April 2, 2004, was implanted with Guidant Device Model #A155, Serial #105680. On May 22, 2007, the District of Minnesota Clerk's Office received a Complaint from Mr. Itkin to be filed also on behalf of Julia Cowdrey. This Complaint states that Julia Cowdrey is a resident of the State of Oklahoma, and on April 2, 2004, was implanted with Guidant's Vitality AVT, Model No. A155, Serial No. 105680.

Through this letter, I am giving both Mr. Shkolnik and Mr. Itkin the chance to respond in writing to explain the situation comprising the dual filings, and whether one of the two cases should be and/or will be withdrawn. Please respond within one week of receipt of this letter. You may send your response in writing (316 North Robert Street, St. Paul, Minnesota 55101); by fax (651-848-1292); or by e-mail (frank_chambers@mnd.uscourts.gov).

I am electronically filing a copy of this letter so that Plaintiffs' Lead Counsel and Guidant's attorneys will receive a copy of this letter. By this letter, I am also giving those attorneys one week to support or oppose any position by electronically filing their statement and mailing a copy of their statement to both of you.

Mr. Schkolnik and Mr. Itkin

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After I receive the responses, I will determine the appropriate course of action based on the papers submitted or schedule a telephone conference to discuss the filings.

Very truly yours,

s/Donovan W. Frank

DONOVAN W. FRANK
Judge of United States District Court

DWF:rlb

c: Charles S. Zimmerman, Esq. (by ECF)
Zimmerman Reed
651 Nicollet Mall, Suite 501
Minneapolis, MN 55402-4123

Timothy Pratt, Esq. (by ECF)
Shook, Hardy & Bacon, LLP
2555 Grand Blvd.
Kansas City, MO 64108-2613