

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

June 12, 2007

BY U.S. MAIL & ECF

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**Re: *Catherine Arrington, Albert Blakeman Sr., Theodore Demos, et al.***  
***v. Guidant Corporation, et al.***  
**Civil No. 07-2354 (DWF/AJB)**  
**AND**  
***Theodore V. Demos v. Guidant Corporation, et al.***  
**Civil No. XX-XXXX (DWF/AJB)**

Dear Counsel:

On May 18, 2007, Charles H. Johnson & Associates, PA (“the Johnson Firm”) filed a Complaint by Adoption on behalf of Theodore Demos, and others. The Complaint states that Theodore Demos is a citizen and resident of Indianapolis, Indiana, and on December 26, 2001, was implanted with Guidant Device Model #1861, Serial #221930. On June 8, 2007, the District of Minnesota Clerk’s Office received a Complaint from Murphy & Anderson, P.A. (“the Murphy Firm”) to be filed also on behalf of Theodore Demos. This Complaint states that Theodore Demos is a citizen and resident of Delaware County, Indiana, and on December 26, 2001, was implanted with Guidant Device Model #1861, Serial #221930 by Benzy Padanilam, M.D. at St. Vincent Hospital in Indianapolis, Indiana.

Charles H. Johnson, Esq.  
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Through this letter, I am giving both of your firms 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writing to explain the situation comprising the dual filings, and whether one of the two cases should be and/or will be withdrawn.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). If you agree that the second case sent for filing by the Murphy Firm should be withdrawn, it is agreeable to the Court to have all attorneys (including attorneys from both the Johnson Firm and the Murphy Firm) and Mr. Demos sign a stipulation explaining the parties' agreement to have the second Complaint sent for filing (dated June 8, 2007) withdrawn and returned along with the filing fee. If either of you contend that neither Complaint should be withdrawn, the Court will then go ahead and have the second Complaint filed and Order the parties to file respective Motions to Dismiss in the pending cases where Mr. Demos is a named Plaintiff, reserving the right to award costs for the filings. The Court will not allow Mr. Demos to remain a named Plaintiff in two separate cases.

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 you.

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

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