

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE  
DEFIBRILLATORS PRODUCTS LIABILITY  
LITIGATION

MDL No. 05-1708 (DWF/AJB)

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This Document Relates to All Actions

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**SUPPLEMENTAL ORDER FOR SUBMITTING  
SETTLEMENT CONSIDERATION FORM (SCF)**

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On July 16, 2007, the Court issued an Order Regarding Settlement, Settlement Consideration Form, and Associated Deadline (MDL No. 05-1708 (DWF/AJB), Doc. No. 2211).

Paragraph 3 of that Order provided the definition of “Claimants” as follows:

Claimants consist of “all individuals (i) as to which representation agreements have been reached as of July 12, 2007, with any lawyers and/or law firms who have at least one case pending in MDL 1708 or pending before the Judicial Panel on Multidistrict Litigation by having been included in a tag-along notice sent to the JPML as of July 12, 2007 (“pending in the MDL”), and (ii) have filed or unfiled claims against Guidant arising out of or related to a Guidant cardiac resynchronization therapy device (CRT-D or CRT-P), implantable cardioverter defibrillator (ICD) or pacemaker, regardless of whether the individual has a case or claim pending in the MDL, other federal court, state court or has not filed any claim. Spouses, children and/or heirs, together with the person who was implanted with a Guidant CRT-D, CRT-P, ICD or pacemaker, shall constitute a single Claimant. Claimant shall also include unrepresented individuals with cases pending in the MDL.”

(MDL No. 05-1708 (DWF/AJB), Doc. No. 2211.) Paragraph 5 of that Order provided:

All Claimants must submit a completed SCF [Settlement Consideration Form], electronically transmitted to the individuals listed below by **August 13, 2007**. Each attorney representing a Claimant is responsible for ensuring that each Claimant he or she represents timely submits a completed SCF. All Claimants not represented by counsel are responsible for timely submitting their own completed SCF . . . .

(*Id.*)

The Court has been informed of a concern that not all Claimants submitted a completed SCF by the deadline and that the information ordered to be provided for all Claimants is essential to a comprehensive resolution of the litigation. Pursuant to agreement of the parties, the Court hereby clarifies and supplements its July 16, 2007 Order as follows:

1. Within seven business days of the date of this Order, any attorney who has not submitted an SCF for each of his or her Claimants, or any unrepresented individual with cases pending in the MDL who has not submitted an SCF for himself or herself, as defined in the July 16, 2007 Order, must submit a list that includes the name and social security number of each of those Claimants, plus information on the Claimant's Guidant device(s), including the model name (e.g, Prizm 2, AVT), model number (e.g., 1861), and serial number. This information shall be provided by email transmission to [GuidantMDL@mnd.uscourts.gov](mailto:GuidantMDL@mnd.uscourts.gov); [paj@juneaulaw.com](mailto:paj@juneaulaw.com); [eap@zimmreed.com](mailto:eap@zimmreed.com); and [declarations@shb.com](mailto:declarations@shb.com) by 5:00 P.M. Central Daylight Time on **October 4, 2007**. Within thirty calendar days of the date of this Order (by **October 25, 2007**), an SCF must also be submitted for each such Claimant. All SCFs submitted at any time prior to that deadline shall be considered to be timely submitted.

2. Guidant shall not participate in any settlement negotiations outside the MDL settlement process until further order by Magistrate Judge Boylan.

3. Upon receipt of this Order, Guidant and Plaintiffs' Lead Counsel shall coordinate with one another to mail hard copies of this Order to all individual Plaintiffs with filed cases in MDL No. 05-1708 (DWF/AJB) and all known attorneys representing Plaintiffs in MDL No. 05-1708 (DWF/AJB), regardless of whether those attorneys have filed a Notice of Appearance in the Master Case. Guidant and Plaintiffs' Lead Counsel shall split the cost of such mailing.

4. Upon receipt of this Order, Plaintiffs' Lead Counsel shall post a copy of this Order on the website, [www.guidantsettlement.com](http://www.guidantsettlement.com).

5. Failure to comply with this Order may result in sanctions.

Dated: September 25, 2007

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