

**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.*

**ORDER REGARDING PLAINTIFFS'  
MOTION TO VACATE STAY**

In its July 31, 2007 Order, the Court stayed Plaintiffs' Motion for Entry of Judgment Under Fed. R. Civ. P. 54(b) or, in the Alternative, for Certification Under 28 U.S.C. § 1292(b) (MDL No. 05-1708, Doc. No. 2200). (*See* MDL No. 05-1708 (DWF/AJB), Doc. No. 2301.) The above-entitled matter is now before the Court pursuant to Plaintiffs' Motion to Vacate Stay Order Relative to Plaintiffs' Motion for Entry of Judgment Under Fed. R. 54(b) or, in the Alternative, for Certification Under 28 U.S.C. § 1292(b). (MDL No. 05-1708 (DWF/AJB), Doc. No. 2394.) Both motions are directed at an appeal by Plaintiffs UFCW Local 1776 and Participating Employers Health and Welfare Fund and the City of Bethlehem (collectively, the named "TPP Plaintiffs"). The named TPP Plaintiffs seek review of the Court's April 16, 2007 and May 9, 2007 Orders, which dismissed their claims against Guidant.

Based upon the submissions of the parties, together with all pleadings, records, and files herein, and noting the objection of Guidant, the Court grants Plaintiffs' motion for the limited purpose of lifting the stay only as to Plaintiffs' Motion for Entry of

Judgment Under Fed. R. Civ. P. 54(b) or, in the Alternative, for Certification Under 28 U.S.C. § 1292(b) (MDL No. 05-1708, Doc. No. 2200).

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiffs' Motion to Vacate Stay Order Relative to Plaintiffs' Motion for Entry of Judgment Under Fed. R. 54(b) or, in the Alternative, for Certification Under 28 U.S.C. § 1292(b) (MDL No. 05-1708 (DWF/AJB), Doc. No. 2394) is **GRANTED**.

2. All motions, deadlines related to such motions, pending deadlines, and discovery obligations stayed pursuant to the Court's July 31, 2007 Order (MDL No. 05-1708 (DWF/AJB), Doc. No. 2301)—except for the motion referenced in paragraph 2(j)—remain suspended and stayed pending implementation of the settlement or further Order of this Court. The Court **ORDERS** that the **STAY IS LIFTED** as to the motion referenced in paragraph 2(j) only, of the Court's July 31, 2007 Order (MDL No. 05-1708 (DWF/AJB), Doc. No. 2301).

3. Unless the parties reach a different agreement, Guidant shall submit its opposition to Plaintiffs' Motion for Entry of Judgment Under Fed. R. Civ. P. 54(b) or, in the Alternative, for Certification Under 28 U.S.C. § 1292(b) (MDL No. 05-1708, Doc. No. 2200) no later than October 15, 2007. Unless requested by the Court, the Court will rule on that motion without oral argument.

Dated: September 28, 2007

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