

**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 APPOINTING SPECIAL
MASTER PURSUANT TO FED. R.
CIV. P. 53 AND APPOINTING
CLAIMS ADMINISTRATOR**

Based on the agreement and suggestion from the parties to appoint Patrick A. Juneau as Assistant Special Master and after receiving an Affidavit from Patrick A. Juneau swearing that there is no ground for disqualification under 28 U.S.C. § 455:

IT IS ORDERED BY THE COURT, pursuant to Fed. R. Civ. P. 53, that Patrick A. Juneau is appointed Assistant Special Master to assist Magistrate Judge Arthur J. Boylan who will act as Special Master. The Special Master and Assistant Special Master shall proceed with all reasonable diligence to supervise the implementation, administration, and allocation of any Settlement and shall exercise their rights and responsibilities as follows:

- 1) The Special Master and Assistant Special Master shall have the authority to engage support personnel to assist in the management of the implementation, administration, and allocation of any Settlement.

- 2) For work performed on and after December 10, 2007, the Assistant Special Master shall be compensated from the Settlement Fund as defined in the Master Settlement Agreement to cover such expenses in the amount of:
 - a) \$350.00/hour for Mr. Juneau's services;
 - b) \$125.00/hour for attorneys who assist Mr. Juneau and Magistrate Judge Arthur J. Boylan in administering this matter; and
 - c) \$50.00/hour for paralegals who assist Mr. Juneau and Magistrate Judge Arthur J. Boylan in administering this matter.

In the event the Special Master and/or Assistant Special Master appoint additional administrative personnel to assist in administering and managing this matter who are not addressed in this Order, the parties will file a Supplemental Joint Motion and Order to accommodate appointment of the same.

- 3) The Special Master and/or Assistant Special Master shall submit to the Court, with a copy to the Plaintiffs Lead Counsel ("LCC") and Defendants, periodic reports with respect to the administration and management of any Settlement. The Court shall determine the frequency of such submissions.
- 4) The Special Master and/or Assistant Special Master may communicate *ex parte* with the Court at the Special Master's and Assistant Special Master's discretion without providing notice to the parties.
- 5) The Special Master and/or Assistant Special Master may initiate contact and communicate with the LCC, defense counsel, or counsel for any claimant, as they deem appropriate, with respect to the efficient

administration and management of any Settlement in rendering decisions they are authorized to make under any Settlement.

- 6) All decisions rendered by the Special Master and/or Assistant Special Master shall be in writing and shall be made of record.
- 7) The Assistant Special Master shall not have the authority to:
 - a) Conduct any pre-trial or trial proceedings, except for conferences as the Assistant Special Master deems necessary for purposes of administering and managing any Settlement;
 - b) Sanction any parties;
 - c) Conduct evidentiary hearings, except for receiving evidence necessary to make allocations in this matter and to recommend reserves to the Court.
- 8) The Assistant Special Master shall preserve all claim forms, supporting documentation and written communication from participating members for a period of five years from the date of final distribution.
- 9) The appointment of Assistant Special Master Patrick A. Juneau is effective as of December 10, 2007.

CLAIMS ADMINISTRATOR

IT IS ORDERED BY THE COURT:

Consistent with the Court's ruling from the bench at the status conference on December 17, 2007, Analytics, Incorporated is hereby appointed the Claims Administrator in connection with any Settlement and shall perform the duties and

responsibilities of the Claims Administrator as set forth in any Settlement Agreement under the supervision of the Court, or its designee, and as such, is hereby charged with the responsibility, in conjunction with the Special Master and Assistant Special Master, of: (1) maintaining records pertaining to receipts and disbursements; (2) managing the financial aspects of claims, fees, costs, and expenses; (3) managing the computerized generation and preparation of all data regarding evaluation of claims; (4) managing the financial aspects of the eventual disbursement of any Settlement Fund; (5) assuming the duties assigned by the parties' Master Settlement Agreement to the Escrow Agent relating to (a) the qualification of the Guidant Settlement Fund Escrow Account ("SFEA") as a "qualified settlement fund," (b) the administration of the SFEA as "administrator" of the SFEA (as set forth in Treas. Reg. § 1.468B-2(k)(3)), and (c) all tax preparation, reporting, and filing responsibilities associated with the SFEA; and (6) in all respects subject to further orders and direction of the Court. The appointment of Analytics, Incorporated as the Claims Administrator is effective as of December 17, 2007.

Date: December 20, 2007

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