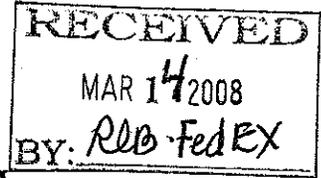




THE ALVAREZ LAW FIRM



TRIAL ATTORNEYS

ALEX ALVAREZ*
RICHARD DUARTE
HERB BORROTO
PHILLIP HOLDEN

OF COUNSEL

BRADLEY STARK

PARALEGALS

LOURDES MAURA
LIS PEREZ

LEGAL ASSISTANTS

CAROLYN BARQUIN
MARIA MARCO
SUSANA MARIN

ADJUSTER/ INVESTIGATOR

ALBERTO ALLENDE

ADMINISTRATION/ SUPPORT

MARIBETY ALVAREZ
PRUDENCE JUMAN
MANUEL ALVAREZ IV
GEORGINA NUÑEZ

March 13, 2008

Via Federal Express

Judge Donovan W. Frank
738 Federal Building
316 N. Robert Street
St. Paul, MN 55101

**RE: MDL 05-1708 In re: Guidant Corp. Implantable Defibrillators Products
Liability Litigation
Request for Permission to File a Motion to Reconsider**

Dear Judge Frank:

Undersigned respectfully requests permission pursuant to Local Rule 7.1(g) to file a Motion to Reconsider this Court's Memorandum Opinion & Amended Order Regarding Determination of Common Benefit Attorneys Fee Amount & Reasonable Assessment Of Attorneys Fee dated March 7, 2008.

Undersigned represents 34 Florida claimants who were either transferred to MDL 05-1708 pursuant to 28 U.S.C. § 1407 or were directly filed by use of the Complaint by Adoption. These claimants were each under a contract for representation that was approved by the Florida Bar and Florida Supreme Court.

This Court limited individual case contingency fees to 20%. It is undersigned's position that this section of the Order inappropriately affected claimants' and their respective attorneys' rights. Undersigned requests permission to file a Motion to Reconsider to better explain how this Court's Order has affected these rights. Briefly, the following grounds exist and illustrate why this Court should permit the Motion to Reconsider.

First, individual plaintiffs' counsels, including undersigned, were not on notice that individual case contingency fees would be affected by this Court's Order. The understanding was that the hearing and subsequent Order would only concern the contested common benefit attorney fees, not individual case contingency fees.

355 PALERMO AVENUE,
CORAL GABLES, FL 33134
TELEPHONE (305) 444-7675
FACSIMILE (305) 444-0075
TOLL FREE (877) 445-7675

Individual plaintiffs' counsels were not afforded the opportunity to participate in the fee determination process.

Second, this Court's inherent authority does not extend to such an alteration of claimants' and attorneys' rights. Courts are empowered in cases involving class actions (Fed. R. Civ. P. 23) and bankruptcy (11 U.S.C. § 105); and antitrust suits (15 U.S.C. §15), no such authority has been recognized in an MDL setting such as this one.

Third, the private contingency contract of 40% in Florida was approved by the Florida Supreme Court and presumed NOT to be excessive. Each and every one of the undersigned's claimants agreed to the 40% contingency fee and thus fully expects and anticipates their attorney to receive such compensation. In States where the cap on contingency fees is 33% it is understandable why this Court may wish to limit the attorneys fee, however that logic would not apply in these circumstances.

Please advise as to the Court's determination. If you require any further information, please do not hesitate to contact me.

Very truly yours,



ALEX ALVAREZ

cc: Timothy Pratt

