

**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

PRETRIAL ORDER NO. 34

On April 24, 2008, the Court set Tuesday, May 6, 2008, as the deadline for filing objections to the Report of the Common Benefit Attorneys Fee and Cost Committee (the “CBAFCC Report”). In that Order, the Court also gave the CBAFCC until Monday, May 12, 2008, to submit their responses to any objections. On April 29, 2008, pursuant to the Court’s instruction, chair of the CBAFCC, Charles Zimmerman, submitted a letter to the Court seeking guidance concerning communications the CBAFCC has received for “requests for discovery and production of confidential documents and time records.” The letter is attached as Exhibit A.

Based upon individual requests for discovery and the production of documents and time records that have been received by the CBAFCC, and the Court having reviewed the procedural context of the April 29, 2008 letter, and being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. If a plaintiff filing an objection to the CBAFCC Report seeks discovery from the CBAFCC, he or she shall explain the basis for the request in his objection on or before May 6, 2008.

2. No later than May 6, 2008, the CBAFCC shall provide the Court with copies of the following documents for *in camera* review:

a. The confidential memo the CBAFCC provided to plaintiffs' attorneys as describe in Section B of the CBAFCC Report;

b. The CD prepared by the PSC and Seth Lesser, an LCC member;

c. The three-page summaries and any other documents provided to the CBAFCC by the plaintiffs' attorneys, as discussed in section II of the CBAFCC Report.

3. In the event any party makes a request for discovery or for the production of any documents in the possession of or reviewed by the CBAFCC Committee, those requests should be directed, in writing, and by e-filed motion, to the Court. The Court will reserve the right to request a written response from the CBAFCC and then, with or without further hearing or argument, the Court will grant or deny the request in whole or in part.

4. Until further Order of the Court, the CBAFCC shall not disseminate any information it received from any plaintiffs' law firm that was requested to be kept confidential during the compilation of the CBAFCC Report.

Dated: April 30, 2008

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