

**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:

David Kostrach,

Plaintiff,

v. Civil No. 06-4606 (DWF/AJB)

Guidant Corporation; Guidant Sales  
Corporation; Endovascular Technologies,  
Inc., a California corporation and a division  
of Guidant Corporation; and Does,

Defendants.

**ORDER**

Plaintiff David Kostrach, deceased, filed his Complaint on July 6, 2006, in the Superior Court of the State of California, County of Los Angeles, North Valley District. His case was thereafter transferred to this Court from the Judicial Panel on Multidistrict Litigation.

Plaintiff David Kostrach passed away on January 26, 2007. Pursuant to Federal Rule of Civil Procedure 25(a)(1), Plaintiff's surviving spouse, Peggy J. Kostrach, by and through counsel, now seeks an order from this Court substituting Peggy J. Kostrach, as Personal Representative for the Estate of David Kostrach, deceased, as the proper

party-Plaintiff in this action. Having considered the submissions and reviewed the procedural history of the file, **IT IS HEREBY ORDERED:**

1. Peggy J. Kostrach's (surviving spouse of Plaintiff David Kostrach) Motion for Substitution of Party (MDL No. 05-1708 (DWF/AJB), Doc. No. 2858; Civ. No. 06-4606 (DWF/AJB), Doc. No. 6) is **GRANTED**.

2. Peggy J. Kostrach, as Personal Representative for the Estate of David Kostrach, deceased, shall be substituted for Plaintiff David Kostrach, deceased, in the above-referenced matter.

Dated: May 12, 2008

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