

**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 Requests for
Appointment of Wrongful Death Trustees

ORDER

The Court has received numerous requests for the appointment of a wrongful death trustee brought pursuant to Minn. Stat. § 573.02. These requests were brought prior to the Court's entry of PTO No. 35. In PTO No. 35, entered on May 16, 2008, the Court directed individual plaintiff attorneys, in cases involving deceased device recipients, to determine whether a return to state court or a state court order is necessary to obtain the appointment of a legally authorized representative in order to effectuate a release. Later, the PLC distributed an Affidavit of Counsel and corresponding instructions to all plaintiffs' counsel for use in cases involving deceased device recipients. In light of PTO No. 35 and the structure set out in the Affidavit of Counsel, the Court will deny without prejudice all of the motions for appointment of a trustee that are list below.

If you have not received the Affidavit of Counsel and its accompanying instructions, please contact Elizabeth Peterson, Esq., from the Zimmerman Reed law firm at 612-341-0400.

Thus, it is **HEREBY ORDERED** that:

- Any motions or petitions requesting appointment of a wrongful death trustee (including those listed below) are **DENIED WITHOUT PREJUDICE**.

Case Number	Plaintiff Name	Docket Number in Individual Case	Docket Number in Master Case
06-2779	Derk Wind	7	2723
06-2783	Jack Pestell	4	2722
06-2784	Barbara Wilson	7	2673
07-1124	Dale Patton	13	2670
06-2789	Elma Gonzalez	10	2667
06-2789	Henrietta Grosse	11	2734
06-2784	Franklin Green	8, 9	2798, 2721
06-2785	Leona McKinney	4, 5	2753, 2800
07-1217	Bonnie Hobbs	19	Motion not filed in Master Docket
07-1217	Herman Graham	20	Motion not filed in Master Docket
07-1217	Jerome Markowitz	21	Motion not filed in Master Docket
07-1218	Dolores Miller	11	Motion not filed in Master Docket
07-1218	Rickey McCloud	12	Motion not filed in Master Docket
07-1218	Hazel Deoca-McCormick	13	Motion not filed in Master Docket
07-1218	Robert Sheridan, Jr.	14	Motion not filed in Master Docket
07-1222	Alvin E. Gibbs	9	Motion not filed in Master Docket
07-1222	John H. Ross	10	Motion not filed in Master Docket
07-1222	Frank Baumgartner	11	Motion not filed in Master Docket
07-2406	Bernard Garrett	9	Motion not filed in Master Docket
07-2406	Ervin Marks	10	Motion not filed in Master Docket
07-2406	Eufemia Ayala Cardenas	11	Motion not filed in Master Docket

Case Number	Plaintiff Name	Docket Number in Individual Case	Docket Number in Master Case
07-2406	Gerald Gondek	12	Motion not filed in Master Docket
07-2406	Alexander E. Dodge	13	Motion not filed in Master Docket
07-2913	Dean Rabe	14	Motion not filed in Master Docket
07-2913	Franklin Stephen	15	Motion not filed in Master Docket
07-2913	Nicholas Pool, Jr.	16	Motion not filed in Master Docket
07-2913	Jane Harashe	17	Motion not filed in Master Docket
07-2913	Volney Fike	18	Motion not filed in Master Docket
07-2913	Robert Howard	19	Motion not filed in Master Docket
07-2913	Brian Johnson	20	Motion not filed in Master Docket
07-2913	Charles N. Love	21	Motion not filed in Master Docket
07-2913	Manuel Montemayor, Jr.	22	Motion not filed in Master Docket
07-2913	George Thompson	23	Motion not filed in Master Docket
07-2913	Homer Seger	24	Motion not filed in Master Docket
07-2914	Walter Hungarter, Jr.	5	Motion not filed in Master Docket
07-3377	Jack Wallin	5	Motion not filed in Master Docket
07-3377	Dominic Capezzutto	6	Motion not filed in Master Docket
07-4048	Johnny Horne	10	Motion not filed in Master Docket
07-4048	Sally Couch	11	Motion not filed in Master Docket
07-1218	George Berhkheiser	15	Motion not filed in Master Docket
07-1218	Juan Vargas	16	Motion not filed in Master Docket

Case Number	Plaintiff Name	Docket Number in Individual Case	Docket Number in Master Case
07-1218	Marilyn Sue Morgan	17	Motion not filed in Master Docket
07-1222	Raymond J. Barnes	12	Motion not filed in Master Docket
07-1222	Edward M. Nagel	13	Motion not filed in Master Docket
07-2406	Gale P. Brown	14	Motion not filed in Master Docket
07-2406	Bobby Barterfield	15	Motion not filed in Master Docket
07-2407	Clell Christie	12	Motion not filed in Master Docket
07-2913	Jeanette Mildred Elias	25	Motion not filed in Master Docket
07-2913	David Esrov	26	Motion not filed in Master Docket
07-2913	Mary A. Thrift	27	Motion not filed in Master Docket
07-3377	Walter Butler	7	Motion not filed in Master Docket
07-3377	John Smith	8	Motion not filed in Master Docket
07-3377	Joseph Freel	9	Motion not filed in Master Docket
07-4047	Donald Weekley	10	Motion not filed in Master Docket
07-4047	Charlie Ware	11	Motion not filed in Master Docket
07-4047	Myrtice Shelly	3	Motion not filed in Master Docket
07-4047	Anne Castonguay	4	Motion not filed in Master Docket
07-4047	Jeanette Sippio	5	Motion not filed in Master Docket
07-4047	Booker T. Scott	6	Motion not filed in Master Docket
07-4047	Curtis Price	7	Motion not filed in Master Docket
07-4047	William Leacock	8	Motion not filed in Master Docket

Case Number	Plaintiff Name	Docket Number in Individual Case	Docket Number in Master Case
07-4047	Estella McCray	9	Motion not filed in Master Docket
07-4048	Ruth Stephens	12	Motion not filed in Master Docket
07-3295	Benjamin Jones	8	2810

IT IS SO ORDERED.

Dated: June 30, 2008

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