

**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. 37**

On September 23, 2008, the Court held a status conference with members of the PSC, Guidant, the Claims Administrator, the Garretson Firm, Magistrate Judge Arthur J. Boylan, and Assistant Special Master Patrick Juneau to discuss the status of the settlement process and to ascertain what, if anything, the Court could do to expedite the settlement process. During that status conference, the PSC asked the Court, in effect, to amend Section G of the MSA. That section concerns the essential settlement provision mandating that a requisite number of the 8,550 Claimants eligible to participate in the settlement submit the required materials to become Participating Claimants.

After considering the parties' arguments, the Court respectfully denies the PSC's request. However, under the authority granted by the MSA and the Court's inherent authority, the Court orders that by December 1, 2008, Guidant shall make a declaration about whether the requisite number of Claimants has submitted the required materials to become Participating Claimants pursuant to Section G of the MSA. The December 1, 2008 date is a deadline, not a goal. Based on the good faith, diligence, and cooperation demonstrated by Guidant and the PSC in recent weeks, the Court nonetheless urges the

parties to strive for a November 15, 2008 goal. Considering the parties' representations as to how quickly things are moving along, as well as the additional efforts of Analytics to expedite the payment of settlement proceeds to Claimants, the Court believes that the November 15, 2008 goal is realistic and achievable.

Dated: September 26, 2008

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