

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS
LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

This document applies to:

ALL ACTIONS

**ORDER SETTING STATUS
CONFERENCE BETWEEN
THE COURT AND
PATRICK J. MULLIGAN, ESQ.**

On March 26, 2009, the Court sent Patrick J. Mulligan, Esq., a letter in response to communication the Court had received from a relative of one of Mr. Mulligan's clients who is now deceased. (Doc. No. 3820.¹) The Court asked Mr. Mulligan to personally respond to the relative and to submit to the Court a written response detailing all written and oral communications his firm had had with that particular client's family. On April 7, 2009, the Court received Mr. Mulligan's response dated April 6, 2009. (Exhibit A.)

In its August 21, 2008 Order, the Court reserved the right to require certain individual attorneys and/or their law firms to pay fees to the Common Cost Fund as a sanction for their behavior if the Court determined that these firms have contributed to the common detriment of the MDL. (Doc. No. 3201.) Previously, the Court sanctioned Mr. Mulligan for alleged failures to communicate with his clients. (Doc. No. 3365.) Since that time, the Court has continued to receive numerous complaints from

¹ Unless otherwise noted, all docket numbers referenced in this Order are to MDL 05-1708 (DWF/AJB).

Mr. Mulligan's clients, including the most recent communication that preceded the Court's March 26, 2009 letter.

Mr. Mulligan's April 6, 2009, response to the Court's letter confirms some of the fears that the Court has repeatedly expressed in the MDL, in particular with respect to Mr. Mulligan and a few select other MDL lawyers. And, Mr. Mulligan's response raises questions concerning the integrity of some settlement documents submitted by certain claimants. When any MDL lawyer—including Mr. Mulligan—fails to communicate clearly and regularly with his or her clients, that failure damages the integrity of the MDL process and the justice system in general. It also erodes the trust that the non-lawyering public has with the Court and the legal community at large. This Court will not allow such inaction by lawyers in this MDL.

For these reasons, Mr. Mulligan shall appear at an in-person status conference before the Court on Thursday, May 7, 2009, at 1:00 p.m. in Courtroom 7C, 7th Floor, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, Saint Paul, Minnesota 55101. Representatives from the Plaintiffs' Lead Counsel Committee and Guidant may, but are not required to, appear at the status conference. In addition, by no later than April 30, 2009, Mr. Mulligan shall file with the Court an affidavit, signed under oath, explaining how he complied with the Court's March 26, 2009 letter and explaining in further detail his firm's practice in the communication of settlement awards with its clients, as detailed in the last paragraph of his April 6, 2009 letter.

IT IS SO ORDERED.

Dated: April 17, 2009

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