

**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:

Melita Bena,

Plaintiff,

v.

Civil No. 07-8 (DWF/AJB)

Guidant Corporation; Guidant Sales
Corporation; Cardiac Pacemakers, Inc.; and
Boston Scientific Corporation,

Defendants.

ORDER

This matter is before the Court on the self-styled Motion for Relief from Order of the Court (Doc. No. 31) brought by Plaintiff Melita Bena. In that Motion, Plaintiff requested that she be allowed to perform destructive testing of the device that was once implanted in Plaintiff's deceased husband.

To the extent that Plaintiff requests that she be allowed to perform destructive testing, the Court will allow Plaintiff's request. However, in order to protect the interests of both parties, the Court orders that United States Magistrate Judge Arthur J. Boylan be appointed a Special Master for the purpose of overseeing such testing. The parties shall meet and confer with Magistrate Judge Arthur J. Boylan prior to any testing occurring.

Thus, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion (Doc. No. [31]) is **GRANTED IN PART**; and
2. The parties are directed to contact Magistrate Judge and Special Master Arthur J. Boylan's calendar clerk, Kathy Thobe, at 651/848-1210 to arrange for a status conference to set the parameters for destructive testing of such device.

Dated: April 14, 2010

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