

**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

The Court has recently received an influx of calls, letters, and e-mails from disgruntled claimants. These claimants express similar frustrations. Specifically, they allege that they are not receiving any information from their attorneys or that their attorneys are telling them that the Court refuses to release the 5% holdback. As the parties know, the 5% has been held back to satisfy what the parties refer to as the “ratchet-back” or Section II(A)(1) of the MSA, a provision which Guidant and the PSC jointly drafted and entered into themselves. (*See* Doc. No. 4319 (discussing Section II(A)(1).)

The Court currently has no pending matters before it related to the MDL. However, given the recent concerns expressed by claimants contacting the Court, the Court believes that the interests of justice would be served by Guidant and the PSC submitting a status update to the Court. Therefore, within one week from the date of this Order, Guidant and the PSC shall submit a status update in the form of a letter brief, filed on CM/ECF, that explains why the 5% is being held back, when the 5% should be

released, and what events need to occur before the 5% can be released. The letter brief shall also include any other issues that need to be addressed related to the settlement. If the parties cannot agree on a joint letter brief, they may submit separate letter briefs.

IT IS SO ORDERED.

Dated: May 26, 2010

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