

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: Guidant Defibrillators Products  
Liability Litigation

MDL Case No. 05-1708 (DWF/AJB)

Relates to ALL ACTIONS

**STIPULATED ORDER ON DISCOVERY MATTERS**

**Based on materials presented by the parties and discussion at the telephonic status conference held on February 14, 2006, the Court enters the following discovery Order:**

1. Plaintiffs will promptly return Defendants' prior production of materials responsive to the FDA notice regarding the August and September 2005 inspection of Defendants' manufacturing facilities. Defendants will promptly reproduce responsive materials relating to the FDA inspection in the manner in which they were submitted to the FDA.
2. Defendants will reproduce the spreadsheets received in response to the Rossinni subpoena in HTML format, with a width sufficient to capture all data in the spreadsheets, by March 1, 2006.
3. Defendants will review their production for other spreadsheets produced in unreadable format and will reproduce such spreadsheets in a HTML or wide PDF format, with a width sufficient to capture all data in the spreadsheets by March 1, 2006.
4. The parties will continue to meet and confer regarding additional production issues relating to project files, CAD files, linked documents, and PowerPoint files so that issues regarding incomplete or unreadable production of such documents can be resolved promptly. The parties will advise the Court of the status of these discussions and reproduction of related documents at the Status Conference scheduled for March 8, 2006.
5. The parties will continue to work on an agreed-upon protocol for the production of electronic discovery on a going forward basis. If the parties are not able to agree on a protocol by March 1, 2006, they will submit a statement of their proposed protocols to the Court by March 3, 2006.
6. Defendants will provide information regarding the files from which produced documents were collected, including the names of the files, the custodians of the

files, and whether production of responsive documents from those files is complete, based on how those files are kept in Defendants' "usual course of business" by March 1, 2006. To the extent the production of any files previously produced by Defendants was incomplete, the parties will meet and confer on a schedule for production of the remaining documents from those files. The parties will provide an update on the status of the production of any such documents at the March 8, 2006 Status Conference.

7. Defendants will produce to Plaintiffs all responsive documents (hard copy and electronic, including e-mail) from the hard copy and electronic files of Randy Nuernberg by February 23, 2006.
8. Defendants will produce to Plaintiffs all responsive documents (hard copy and electronic, including e-mail) from the hard copy and electronic files of Fred McCoy by March 1, 2006.
9. PLAINTIFFS' POSITION: Defendants will produce to Plaintiffs all responsive documents (hard copy and electronic, including e-mail) from the hard copy and electronic files of Dale DeVries; Michael Flanagan; Ren Russie; Wyatt Stahl; Dan Tisch; and Lynette Voshage-Stahl by March 15, 2006.

DEFENDANTS' POSITION: Defendants will produce to Plaintiffs all responsive documents (hard copy and electronic, including e-mail) from the hard copy and electronic files of Dale DeVries; Michael Flanagan; Ren Russie; Wyatt Stahl; Dan Tisch; and Lynette Voshage-Stahl on a rolling basis, at the rate of one per week, with the first production occurring on March 8, 2006 and the last production occurring on April 12, 2006.

COURT'S RULING: Defendants will produce to Plaintiffs all responsive documents (hard copy and electronic, including e-mail) from the hard copy and electronic files of Dale DeVries; Michael Flanagan; Ren Russie; Wyatt Stahl; Dan Tisch; and Lynette Voshage-Stahl on a rolling basis, at the rate of one per week, with the first production occurring on March 8, 2006 and the last production occurring on March 31, 2006.

10. Defendants will review documents previously produced to Plaintiffs for improper relevancy redactions and produce corrected documents by March 8, 2006.
11. Defendants will produce to Plaintiffs all PMA forms and drafts of PMA forms (including original PMA forms and PMA Supplements) for the devices at issue in this litigation by March 15, 2006, along with a log of any documents withheld from production on the ground of privilege.
12. By March 15, 2006, Defendants will produce to Plaintiffs all documents upon which Defendants intend to rely in the preemption motions for the Prizm 2 DR Model 1861 device Defendants intend to file on April 1, 2006.

13. Defendants will make every effort to produce to Plaintiffs all materials responsive to Plaintiffs' "super-priority" document requests by March 16, 2006. The parties will advise the Court of the status of this production at the Status Conference scheduled for March 8, 2006.
14. Defendants will produce to Plaintiffs documents previously provided to Senator Grassley by March 16, 2006.
15. Defendants will promptly produce to Plaintiffs responsive documents that were previously produced to the Heart Rhythm Society. Defendants will advise the Court and the Plaintiffs as to the status of this production at the March 8, 2006 Status Conference.
16. Plaintiffs will identify the foreign medical bodies and agencies for which they seek production by Defendants of documents produced to those entities. Defendants will promptly produce to Plaintiffs the documents produced to those entities after receipt of the identifying information from Plaintiffs.
17. At the March 8, 2006 Status Conference, the parties will be prepared to discuss the timing of Defendants' production of any remaining responsive documents relating to the Guidant Prizm 2 DR Model 1861.
18. In producing documents to Plaintiffs, Defendants will not withhold any otherwise responsive documents on the basis that such documents are located or reference information outside the United States.

Dated: March 2, 2006

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