

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION

In re: Guidant Corp. Implantable Defibrillators  
Products Liability Litigation

MDL No. 1708  
(DWF/AJB)

This Document Relates to All Actions

**JOINT AGENDA**

**AGENDA**

Pursuant to the Court's Order, Plaintiffs and Defendants have agreed upon the following agenda:

1. Number and status of cases transferred into the MDL
2. Status of state court actions
3. Timing and sequencing of discovery, including, but not limited to document production deadlines.
  - a. Plaintiffs' proposal: set forth below in item 16
  - b. Defendants' proposal: prioritized rolling document production
4. Fact-witness discovery / Status of Depositions
5. Class certification discovery. Merit discovery issues including an overall discovery schedule with meaningful deadlines.
6. Necessity of a Master Complaint. The parties' positions on this were set out in their submissions in connection with the December 16, 2005 Status Conference.
7. A selection process for trials and trial dates including reasonable efforts to propose and identify so-called bellwether cases for trial before the Court in an expeditious manner.
8. Inventory and discuss the status of any remand motions and Rule 12 motions.
9. Plaintiffs' State Liaison Counsel.
10. Use of telephonic conferences.

- a. As set forth in their January 9 and 11, 2006 letters, Plaintiffs' propose a weekly discovery call; Defendants see no need.
11. Discovery status in state court cases.
12. Stipulated Protective Order.
13. A time line for completion of Plaintiff Fact Sheets and production of documents called for by Plaintiff Fact Sheets for each Plaintiff whose case has already been transferred to this Court and for any Plaintiff whose case is transferred to this Court after the date of this Order.
14. Preservation Order for Pacemakers
15. Defendants' Fact Sheet
16. [Plaintiffs' Submitted Item:] Plaintiffs' Proposal for a Pre-Trial Schedule and Discovery
  - a. Establish a trial date – Plaintiffs propose an October 16, 2006 Trial Date (as per their Status Conference Report of December 2, 2005) – to address injunctive, equitable relief and declaratory relief claims
  - b. Trial Dates for bellwether injury and death trials
  - c. Establishing a specific schedule for discovery to assure pre-trial purposes
    - i. Production of Plaintiffs' "top" Priority Document requests, as previously provided to Defendants, within 30 days of Status Conference
    - ii. Production of Plaintiffs' original (October 7) Priority Documents requests within 60 days of Status Conference
    - iii. Completion of document production within 90 days of Status Conference
17. Joint Factual Statement for Website
18. Scheduling of next Status Conference
19. All Writs Motion to Temporarily Enjoin Robert Hilliard

Dated: January 18, 2006

Respectfully submitted,

s/ Richard Arsenault

Richard Arsenault  
NEBLETT, BEARD & ARSENAULT  
2220 Bonaventure Court  
Alexandria, LA 71301  
[rarsenault@nbalawfirm.com](mailto:rarsenault@nbalawfirm.com)

s/ Elizabeth Cabraser

Elizabeth Cabraser  
LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP  
275 Battery Street, 30th Floor  
San Francisco, CA 94111-333  
[ecabraser@lchb.com](mailto:ecabraser@lchb.com)

s/ Seth R. Lesser

Seth R. Lesser  
LOCKS LAW FIRM, PLLC  
110 East 55<sup>th</sup> Street  
New York, NY 10022  
[slesser@lockslawny.com](mailto:slesser@lockslawny.com)

s/ Charles S. Zimmerman

Charles S. Zimmerman  
ZIMMERMAN REED, P.L.L.P.  
651 Nicollet Mall, Suite 501  
Minneapolis, MN 55402  
[csz@zimmreed.com](mailto:csz@zimmreed.com)

Plaintiffs' Co-Lead Counsel

Respectfully submitted,

s/ Timothy A. Pratt

Timothy A. Pratt  
SHOOK HARDY & BACON L.L.P.  
2555 Grand Blvd.  
Kansas City, MO 64108-2613  
[tpratt@shb.com](mailto:tpratt@shb.com)

Defendants' Lead Counsel

s/ Joseph M. Price

Joseph M. Price  
FAEGRE & BENSON, LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
[jprice@faegre.com](mailto:jprice@faegre.com)

Defendants' Liaison Counsel