

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION**

**IN RE: GUIDANT CORP. IMPLANTABLE  
DEFIBRILLATORS PRODUCT LIABILITY  
LITIGATION**

**MDL NO. 1708  
(DWF/AJB)**

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**PROTOCOL AND PROCEDURE FOR ATTORNEYS SEEKING INCREASE IN  
ATTORNEY FEES**

Under the Court’s Memorandum Opinion and Amended Order dated March 7, 2008, the Court capped all individual contingency fee contracts at 20%. The same Order provided “However, in order to assure that all attorneys receive fair but not excessive compensation, parties may petition the Special Masters to have the 20% increased upward to a maximum of either 33%, the percentage previously agreed to in the individual cases contingent fee arrangement between the attorney and the client, or the limit imposed by state law, whichever of the three is less.”

In those cases where an attorney seeks an increase in his attorney fees under the provisions of the March 7, 2008 Order, the following Protocol and Procedure are to be followed:

- a) On or before May 1, 2008, electronically file a petition and supporting documentation with Magistrate Judge (Special Master) Arthur Boylan ([guidant-attyfees@mnd.uscourts.gov](mailto:guidant-attyfees@mnd.uscourts.gov)) and Assistant Special Master Patrick A. Juneau ([paj@juneaulaw.com](mailto:paj@juneaulaw.com)) setting forth the basis of the request for an increase.
- b) At the time of filing the petition, the attorney seeking an increase shall send a hard copy of the petition and supporting documentation to Assistant Special Master Patrick A. Juneau (P.O. Drawer 51268, Lafayette, Louisiana 70505-1268).
- c) The Special Masters, upon review of the petition and submissions, shall make a written recommendation to the Court as to what contingent fee percentage is reasonable under the circumstances of the particular case and the work completed by the individual attorney/firm on the case. A copy of the written recommendation shall be simultaneously sent to the attorney seeking the increase.

s/ Arthur J. Boylan  
ARTHUR J. BOYLAN  
United States Magistrate Judge  
Special Master  
638 U.S. Courthouse  
316 North Robert Street  
St. Paul, MN 55101  
Telephone: (651) 848-1210  
Facsimile: (651) 848-1212

s/ Patrick A. Juneau  
PATRICK A. JUNEAU, La. Bar #07594  
Assistant Special Master  
1018 Harding Street, Suite 202  
Lafayette, Louisiana 70503  
Telephone: (337) 269-0052  
Facsimile: (337) 269-0061

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that copies of the foregoing report were this day served on the plaintiff's class through the Plaintiffs' Steering Committee and on the Attorneys for the settling defendants by U.S. Mail.

Lafayette, Louisiana this 9<sup>th</sup> day of April, 2008.

s/ Patrick A. Juneau  
PATRICK A. JUNEAU  
Assistant Special Master