

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

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Civil No. 05md1726 JMR/AJB

In re: Medtronic, Inc. Implantable  
Defibrillator Product Liability Litigation

**ORDER ON COMMON BENEFIT  
ATTORNEYS' FEES**

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Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated October 20, 2008, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. The objection on behalf of plaintiff Yvette Gonzalez is **overruled** [Docket No. 1201]; Common Benefits Attorneys' fees in the total amount of \$18,250,000 are approved; and the fund shall be distributed among counsel who made common benefit contributions as determined by the Common Benefits Attorneys' Fees Committee, as stated in Exhibit A to the supplemental affidavit of Daniel Gustafson, filed October 14, 2008;<sup>1</sup>

2. Contingent fees claims pursuant to retainer agreements between clients and retained counsel are permitted as designated in individual retainer agreements between counsel and clients, except that retained counsel's fee may not exceed 33 1/3 percent of the gross award allocated to the client;

3. The objection of Milberg LLP is **sustained in part and overruled in part** as provided herein [Docket No. 1191]. Milberg LLP is awarded a common benefits attorneys' fees and expenses allocation in the total amount of \$275,000, as provided in Exhibit A to the

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<sup>1</sup> [Docket No. 1220].

supplemental affidavit of Daniel Gustafson, filed October 14, 2008; and

4. A charitable contribution of \$1,000,000 from the common benefits fees fund is approved, subject to court supervision.

Dated: November 10, 2008

s/James M. Rosenbaum  
James M. Rosenbaum  
United States District Court Judge