

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

Civil No. 05-md-1726 (JMR/AJB)

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

**AMENDED ORDER ON
BELLWETHER ACTIONS**

This action is before the Court, Magistrate Arthur J. Boylan, for designation of general categories of cases from which bellwether actions will be selected for trial.

Pursuant to previous order by the court the parties were directed to meet and confer and thereafter submit a report to the court suggesting no more than 6 categories into which individual cases might be assigned and thereby establish broad parameters for separate bellwether actions. The parties have conferred but are unable to reach agreement as to the descriptions for separate categories of cases and have submitted separate proposals.

Therefore, **IT IS HEREBY ORDERED** that each of the individual cases in this MDL shall be designated to one of the following six categories for purposes of bellwether trials and discovery:

- (1) Non-explant/alleged anguish only;
- (2) Explant without complications, (implant pre-January 1, 2004);
- (3) Explant without complications, (implant post-January 1, 2004);
- (4) Explant with complications, (implant pre-January 1, 2004);
- (5) Explant with complications, (implant post-January 1, 2004); and

(6) Alleged wrongful death.

Discovery, case selections, and other pretrial matters relating to bellwether trials such take place in time and manner as provided in the Amended Pretrial Scheduling Order that is being issued by the court contemporaneously to this Order.

Dated: April 12, 2007

s/ Arthur J. Boylan
Arthur J. Boylan
United States Magistrate Judge