

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: MEDTRONIC, INC.  
IMPLANTABLE DEFIBRILLATORS  
PRODUCTS LIABILITY LITIGATION

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MDL No. 05-1726 (JMR/AJB)

This Document Relates to All Actions

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**AMENDED ORDER**

The matter is before the Court on the Report and Recommendation Regarding the Scope of MDL 1726, issued March 6, 2007, and Addendum No. 1, issued April 12, 2007, by the Honorable Arthur J. Boylan, United States Magistrate Judge. The Magistrate recommended limiting the scope of this multidistrict litigation to claims concerning the eight Marquis Devices subject to Medtronic's field action in February 2005 and the Gem DR Model 7271 or Micro Jewel II Model 7223Cx devices subject to Medtronic's field action in April 2004. With this limitation, the Magistrate recommended severing any claims related to any devices not subject to either the February 2005 field action or the April 2004 field action from MDL 1726 (hereinafter "non-field action device claims").

Plaintiff Joey Phillips, Civil Case No. 06-CV-4259, filed an objection to the Report and Recommendation, pursuant to Local Rule 72.1(c)(2). The Court held a telephonic hearing on the objection on April 10, 2007.

Based upon its review of the record herein and for the reasons stated at the hearing, the Court adopts the Magistrate's Report and Recommendation [Docket No.

424] and Addendum No. 1 [Docket No. 491]. The Court finds it appropriate to issue a separate Suggestion for Remand recommending that the Judicial Panel on Multidistrict Litigation remand to their original transferor district courts those non-field action cases or claims arising outside the State of Minnesota.

Accordingly, IT IS ORDERED that:

1. The Court's previous Suggestion for Remand, dated March 7, 2007, is hereby withdrawn.

2. Medtronic's motion to strike, for partial dismissal, and for severance of certain claims [Docket No. 37] is granted.

3. The cases identified on the attached Appendix A -- cases filed in the District of Minnesota related to non-field action devices -- are hereby severed from MDL 1726 and shall be reassigned in accordance with the procedures in this District.

4. The plaintiffs identified on the attached Appendix B -- plaintiffs with non-field action device claims filed in the District of Minnesota as part of a multi-plaintiff case or putative class action -- are hereby severed from MDL 1726. Those plaintiffs' claims are dismissed without prejudice from their respective cases. These claims may be re-filed at the respective plaintiff's discretion.

5. The claims identified on the attached Appendix C -- non-field action device claims filed in the District of Minnesota ancillary to claims involving either the February 2005 or April 2004 field actions -- are hereby severed from MDL 1726 and dismissed without prejudice. These claims may be re-filed at the respective plaintiff's discretion.

6. The paragraphs identified on the attached Appendix C -- paragraphs containing allegations concerning or referencing non-field action devices -- are hereby stricken from their respective complaints.

7. Medtronic shall provide co-lead counsel and the Court with an addendum to this Order, which contains updated Appendices A-C and an accompanying proposed Suggestion for Remand on the last business day of each month, commencing on April 30, 2007, for any cases currently in or hereafter joined in MDL 1726 and subject to the provisions of this Order.

8. The Clerk of this Court is directed to file a copy of this Order in each of the cases identified on the attached Appendices A-C and in Case No. 06-CV-4259.

9. The Clerk of this Court shall provide a copy of this Order to the Clerk of the Judicial Panel on Multidistrict Litigation.

10. The Court's previous Order, dated April 13, 2007, is hereby vacated.

Dated: April 23rd, 2007  
Nunc pro tunc April 13th, 2007

s/ James M. Rosenbaum  
JAMES M. ROSENBAUM  
United States Chief District Judge

## APPENDIX A

### **Cases to be reassigned:**

*Ross Akins and Betty E. Akins v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-02416-JMR-AJB

(Gem DR Model 7271)

*Jacky Lynn Banks v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-03472-JMR-AJB

(Maximo VR Model 7232 Cx)

*Karoline Berman v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04077-JMR-AJB

(InSync II Marquis Model 7289)

*Richmond Bradshaw v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-00952-JMR-AJB

(Micro Jewel II Model 7223 Cx)

*Kay Brasher, Trustee for the Heirs and Next of Kin  
of Bobby Brasher, Deceased v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:07-cv-00747-JMR-AJB

(Gem II DR Model 7273)

*Robert Charles Bridges and Deborah J. Bridges  
v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04064-JMR-AJB

(Marquis DR Model 7274)

*Mary Bright v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:07-cv-00272-JMR-AJB

(InSync II Marquis Model 7289)

*Robert Earnest Bright and Margot Scott-Bright  
v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04075-JMR-AJB

(Maximo VR Model 7232 Cx)

*Albert William Brink and Doris Brink v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04079-JMR-AJB

(Maximo VR Model 7232 Cx)

*Demetrus Claude Clark v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04078-JMR-AJB (Maximo DR Model 7278)

*Michael Corumia v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-00541-JMR-AJB (Gem DR Model 7271)

*Lisa Dash, Individually and as Next Friend of A Minor  
Child v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: :06-cv-02052-JMR-AJB (Sigma 200SR Model SSR203B)

*Annise Davenport and Lacy Davenport v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04084-JMR-AJB (Intrinsic Model 7288)

*Andrea Dechter, as Trustee for the Heirs and Next of Kin  
of Sylvia Fireman, Deceased v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-01212-JMR-AJB (InSync II Marquis Model 7289)

*Kurt Joseph Fabre and Brenda Fabre v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04073-JMR-AJB (Gem Model 7227 Cx)

*Carolyn Goode, Individually and on behalf of the Estate  
of Robert C. Goode, Deceased v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-00937-JMR-AJB (Gem DR Model 7271)

*Patricia Hammonds, Individually and as Representative  
of the Estate of Truitt W. Hammonds, Deceased  
v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-01349-JMR-AJB (InSync ICD Model 7272)

*Luciana Hampton v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-01434-JMR-AJB (Micro Jewel II Model 7223 Cx)

*Constance Howell, as Next Friend of Albert Ralph Fisher, Deceased v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04071-JMR-AJB (InSync IPG Model 8040)

*Gwen Idlett, Individually and on behalf of the Estate of Robert Idlett, Deceased v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-01278-JMR-AJB (Gem DR Model 7271)

*Johnnie Curtis Jackson and Barbara H. Brown v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04062-JMR-AJB (Gem III AT Model 7276)

*Joseph Kuba v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-03985-JMR-AJB (Sigma Series 300 Model SDR303B)

*Gilbert Lankford, Individually and as Next Friend of Laquita Lankford, Deceased v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04063-JMR-AJB (Maximo DR Model 7278)

*Barry Lichtenstein and Janis Lichtenstein v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04080-JMR-AJB (Marquis DR Model 7274)

*Charles Locklear v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-01308-JMR-AJB (Gem DR Model 7271)

*Marta Lynn, as Personal Representative of the Estate of Patrick Lynn, Deceased v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-00430-JMR-AJB (InSync IPG Model 8040)

*John Kenneth Martin v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:07-cv-00840-JMR-AJB (InSync II Marquis Model 7289AA)

<p><i>Elaine Mountleigh v. Medtronic, Inc.</i>  United States District Court, District of Minnesota  Civil Action Case No.: 0:07-cv-00733-JMR-AJB</p>	<p>(Sigma Series 300 Model  SDR306U)</p>
<p><i>Magdaline Moutier and Thibaut Moutier  v. Medtronic, Inc.</i>  United States District Court, District of Minnesota  Civil Action Case No.: 0:07-cv-00538-JMR-AJB</p>	<p>(Maximo VR Model 7232 CxAA)</p>
<p><i>Carolyn Oakley v. Medtronic, Inc.</i>  United States District Court, District of Minnesota  Civil Action Case No.: 0:06-cv-04811-JMR-AJB</p>	<p>(Sigma 200SR Model SSR203B)</p>
<p><i>Steven Perkins and Lynn Perkins v. Medtronic, Inc.</i>  United States District Court, District of Minnesota  Civil Action Case No.: 0:06-cv-02415-JMR-AJB</p>	<p>(Maximo VR Model 7232 Cx)</p>
<p><i>Terry Pogue and Cynthia Pogue v. Medtronic, Inc.</i>  United States District Court, District of Minnesota  Civil Action Case No.: 0:07-cv-00482-JMR-AJB</p>	<p>(Maximo DR Model 7278)</p>
<p><i>James Ponczoch v. Medtronic, Inc.</i>  United States District Court, District of Minnesota  Civil Action Case No.: 0:06-cv-04568-JMR-AJB</p>	<p>(Kappa 700 Series Model  KDR701)</p>
<p><i>Zella Roland, Individually and on behalf of the Estate of  Gerald Roland, Deceased v. Medtronic, Inc.</i>  United States District Court, District of Minnesota  Civil Action Case No.: 0:06-cv-00603-JMR-AJB</p>	<p>(Gem DR Model 7271)</p>
<p><i>Agnes Sabol, Individually and as Executrix of the Estate of  Stephen J. Sabol, Deceased v. Medtronic, Inc.</i>  United States District Court, District of Minnesota  Civil Action Case No.: 0:06-cv-04111-JMR-AJB</p>	<p>(Sigma 300SR Model SSR303B)</p>
<p><i>Antonio J. Diaz Sarmiento and Adriana Jimena  Arizabaleta Borrero v. Medtronic, Inc.</i>  United States District Court, District of Minnesota  Civil Action Case No.: 0:07-cv-00324-JMR-AJB</p>	<p>(Sigma Series 300 Model SDR303)</p>
<p><i>Lawrence Stewart v. Medtronic, Inc.</i>  United States District Court, District of Minnesota  Civil Action Case No.: 0:06-cv-01098-JMR-AJB</p>	<p>(Gem II DR Model 7273)</p>

*Dwight Surgick v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-01307-JMR-AJB (Gem DR Model 7271)

*Alice Thomas v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-02322-JMR-AJB (Maximo DR Model 7278)

*Richard Vian v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:07-cv-00183-JMR-AJB (Maximo DR Model 7278)

*Carmeleta H. Wagner, Individually and as Administrator  
of the Estate of Hobert W. Wagner, Deceased  
v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04539-JMR-AJB (Micro Jewel II Model 7223 Cx)

*Wanda Walker, Individually and as Personal  
Representative of the Estate of Harley Walker, Sr.,  
Deceased v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-05104-JMR-AJB (Micro Jewel II Model 7223 Cx)

*Larry Russell Wardle and Elizabeth Ann Wardle  
v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04070-JMR-AJB (InSync II Marquis Model 7289)

*Gerald Washington and Angela Washington  
v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04068-JMR-AJB (Maximo VR Model 7232 Cx)

*Eugene Worthy and Dorothy Worthy v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:07-cv-00952-JMR-AJB (Maximo VR Model 7232CxAA)

## APPENDIX B

### **Plaintiffs in multi-plaintiff cases or putative class actions whose claims are severed and dismissed without prejudice:**

**George M. Anastas:** (Maximo DR Model 7278)

*George M. Anastas, Annabelle M. Anastas, Raymond H. Lambert, and Marie Lambert v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action No.: 0:07-cv-00535-JMR-AJB

**Gerald Beason:** (Gem DR Model 7271)

**Gerald Guyer:** (Gem II AT Model 7276)

*Gerald Beason, Gerald Guyer, Kathleen Hildreth, Varney Keeter, Bobby Roberts, and Alfonso Villanueva (Deceased) by and through his surviving spouse, Dolores Villanueva v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action No.: 0:07-cv-00939-JMR-AJB

**Lonnie Boyd:** (Maximo VR Model 7332Cx)

**Jaewely Coles:** (Maximo DR Model 7278AA)

**Fletcher Tinch:** (Sigma Series 200 Model SDR200)

*Sally Allen; Roy Bearden; Lonnie Boyd; Yvonne Brooks and Charles Brooks; Addie Coles, Individually and as Next Friend for Jaewely Coles, a Minor; Duncan Eva; Howard Ford; John Glenn; Lorenzo Hutchinson; Duane Johnson; Michael Kelly and Ruby Kelly; Janet Lee-Barnes; Charles Medenbach; Gary Prince and Deborah Prince; Jimmy Rogers; Benjamin Strickland; Eugene Taylor; Mark Taylor; Fletcher Tinch; Richard Trammel and Anita Trammel; Reba Walker; and Larry Williams v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00596-JMR-AJB

**Robert Conley:** (Micro Jewel II Model 7223Cx)

*Walter Clark and Sandra Clark, and Robert Conley v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00585-JMR-AJB

**Debra Darrington:** (Maximo VR Model 7232Cx)

**James Baskin:** (Maximo VR Model 7232)

**Jeanne Madison:** (Maximo VR Model 7232CxAA)

**Frances Crouch:** (Maximo VR Model 7232)

**John Daniels:** (Maximo VR Model 7232CxAA)

**Antonio Nava:** (Maximo VR Model 7232CxAA)

**Ronald Ross:** (Maximo VR Model 7232Cx)

**Ronald Hancock:** (Maximo DR 7278)

**Hazel McLendon:** (Maximo DR 7278)

**Melvin Preston:** (Maximo DR 7278)

**Anthony Finnefrock:** (Maximo VR Model 7232CxAA)

*Timothy Adams and Robin Adams, Debra Darrington and Allen Darrington, James North, James Baskin, Anthony Finnefrock and Caroline Finnefrock, Jeanne Madison and John Madison, Frances Crouch, Isaac Tucker and Geraldine Tucker, Larry West and Linda West, John Daniels, Eddie Duncan, Antonio Nava, Ronald Ross, Ronald Hancock, Hazel McLendon and Melvin Preston v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00002-JMR-AJB

**Robert L. Fuller:** (Maximo VR Model 7232Cx)

*Robert L. Fuller and August Lageman v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action No.: 0:07-cv-00483-JMR-AJB

**Milton Jacobs:** (Gem Model 7227)

*Doris Bauer, Milton Jacobs v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00860-JMR-AJB

**Gloria Jones:** (Kappa Series 700 Model KDR701)

*Gloria Abernathy; Johnny Greenhill and Mabel Greenhill; Randy Hammel; Richard Mahhon and Margaret Hannon; Amma Houston; Gloria Jones; Kurt Juech; and, Carmen Johnson-Ward v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00584-JMR-AJB

**Robert Koenig:** (Gem II DR Model 7273)

*Patricia Miranda, Robert Koenig and Lorraine G. Koenig v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-01001-JMR-AJB

**Ray Margetin:** (Marquis DR Model 7274)

*James Davis; Nicholas Devito; Ralph Goodberlet; Anthony Gugino; Patricia Herbert; Elaine Lapress; Ray Margetin; William Wiley v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00855-JMR-AJB

**Odesa Martin:** (Sigma Series 300 Model SDR303B)

*Steven Brockman and Erlinda Brockman; Sameul Long, Jr. and Carrie Long; Denna McCoy; Odessa Martin; Barbara Montgomery; and, Howard Ward and Judith Ward v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00578-JMR-AJB

**Chester McGee:** (Kappa Series 700 Model KDR701)

**Huey Shurden:** (Kappa Series 700 Model KDR701)

*Ken Dueitt; Chester McGee; Johnny Seely and Regina Seely; and, Huey Shurden and Ruby Shurden v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00572-JMR-AJB

**William McGonigle:** (Gem DR Model 7271)

*Marcelino Brontone and William McGonigle v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:06-cv-04988-JMR-AJB

**Horace McMurtrie:** (InSync II Marquis Model 7289AA)

*Sally McMurtrie, Individually and as Trustee for the Estate of Horace McMurtrie, and Forrest Kaylor v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00865-JMR-AJB

**Lawrence Paulsen:** (Kappa Series 700 Model KDR701)

*Lawrence Paulsen and Debra Grassi and Chris Grassi v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00566-JMR-AJB

**Carol Reuter:** (Kappa Series 700 Model KDR701)

*Esther Alexander, Carol Reuter, Edward Skinger, Douglas Sykes, and Mary Ann Townsley*

*v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00565-JMR-AJB

**Luz Rosario:** (Sigma Series 300 Model SDR303B)

**Richard Seymour:** (Sigma Series 300 Model SDR303B)

*Robert Chiappa; Albert Cifelli; Joseph D'lorio; Alan Fish; William McIver; Luz Rosairo and Victor Rosario; Richard Seymore and Marcia Seymour; and, Joan LeBlanc v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00570-JMR-AJB

**Michael Scacco:** (Marquis DR Model 7274)

*Thomas Collins and Deborah Collins, Dine Erickson and James Erickson, Leonard Nobles, Nada Dodd, Chester Floyd and Donna Floyd, Kris Hagen and Teri Hagen, Frank Lepre, Peter Pezzella and Ann Pezzella, Michael Scacco and Sylvia Scacco, Robert Kenesky and Larry Burch v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:06-cv-03837-JMR-AJB

**John Schmitt, Jr.:** (Sigma Series 200 Model SDR203B)

*John Schmitt, Jr., and Linda Schmitt, Daniel Swanseger, Sr., and Norman Tousey v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00579-JMR-AJB

**John R. Shisler:** (Marquis DR Model 7274)

*Mary Anderson; Pricilla Arnold; Francis Bailey; John Botts; Danny Bricker; Carolyn Brown; Charles Chury, Sr.; James Clingan; Charlene Cook; David Crittenden; Robert Cushing; Richard Decker; Lee Domin; Ryan Donahoe; Richard Driva; Rachel Evans; Marvin Fritz; Thomas Galante, Jr.; Curtis Hill; Robert Humbach; Christine Kaminski; Linda Krawczyk; Richard Long; Veverly May; Percy McWilliams; Paul Malloy; Charles Newberry; Estel Newberry; Jeffrey Patrick; Robert Pelfrey, Sr.; Stevel Pelletier; David Puckett; Jerry Raleigh; Billie Ray; Linda Reed; Stanley Rehm; John Salter; Gilbert Sellers; John Shisler; Mark Smith; Jerry Stevens; Gerald Tomasic; Pam Warner; Steve Western; William Williams; Catherine Zeigler v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00310-JMR-AJB

**Elsa Volpe:** (Kappa Series 600 Model KDR601)

*John Niemeyer and Elsa Volpe v. Medtronic, Inc.*

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-00601-JMR-AJB

## APPENDIX C

### **Claims and/or allegations pertaining to devices outside the scope of MDL 1726 which are dismissed without prejudice and/or stricken from the complaints:**

*Timothy Adams and Robin Adams, Debra Darrington and Allen Darrington, James North, James Baskin, Anthony Finnefrock and Caroline Finnefrock, Jeanne Madison and John Madison, Frances Crouch, Isaac Tucker and Geraldine Tucker, Larry West and Linda West, John Daniels, Eddie Duncan, Antonio Nava, Ronald Ross, Ronald Hancock, Hazel McLendon and Melvin Preston v. Medtronic, Inc.*

United States District Court, District of Minnesota  
Civil Action Case No.: 0:07-cv-00002-JMR-AJB

Claims dismissed:                    **Larry West** - All claims related to the Maximo DR Model 7278, Serial No. PRM104297H

Paragraphs stricken:            ¶56.b reference to Maximo DR Model 7278, Serial No. PRM104297H

*George M. Anastas, Annabelle M. Anastas, Raymond H. Lambert, and Marie Lambert v. Medtronic, Inc.*

United States District Court, District of Minnesota  
Civil Action No.: 0:07-cv-00535-JMR-AJB

Claims dismissed:                    **Raymond H. Lambert** - All claims related to the Maximo VR Model 7232CxAA, Serial No. PRN605752S

Paragraphs stricken:            ¶¶ 11.2, 14 references to Maximo VR Model 7232CxAA, Serial No. PRN605752S

*Richard Breisch v. Medtronic, Inc.*

United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-04074-JMR-AJB

Claims dismissed:                    All claims related to the Maximo DR Model 7278, Serial No. PRM115464H

Paragraphs stricken:            ¶1 reference to Maximo DR Model 7278, Serial No. PRM115464H

*Barney S. Carlson v. Medtronic, Inc.*  
United States District Court, District of Utah  
Civil Action Case No.: 2:06-cv-00646-TC  
MDL Civil Action Case No.: 0:06-cv-03938-JMR-AJB

Paragraphs stricken: ¶17 reference to Gem II Model 7273, Serial No. PJK304297H,  
and ¶¶18-20 in their entirety

*Thomas Collins and Deborah Collins, Dine Erickson and James Erickson, Leonard Nobles, Nada Dodd, Chester Floyd and Donna Floyd, Kris Hagen and Teri Hagen, Frank Lepre, Peter Pezzella and Ann Pezzella, Michael Scacco and Sylvia Scacco, Robert Kenesky and Larry Burch v. Medtronic, Inc.*  
United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-03837-JMR-AJB

Claims dismissed:

- (i) **Larry Burch** - all claims related to the Gem II DR Model 7273, Serial No. PJK200789H
- (ii) **Peter Pezzella** - all claims related to the Marquis DR Model 7274, Serial No. PKC144564H
- (iii) **Robert Kenesky** - all claims related to the Kappa 900 Series Pacemaker Model KDR901, Serial No. PKM157069H

Paragraphs stricken: ¶50 reference to Marquis DR Model 7274, Serial No. PKC144564H,  
¶65 reference to Kappa 900 Series Pacemaker Model KDR901,  
Serial No. PKM157069H, and ¶73 reference to Gem II DR Model  
7273, Serial No. PJK200789H

*April R. Cox v. Medtronic, Inc. and Medtronic USA, Inc.*  
United States District Court for the Southern District of Florida  
Civil Action Case No.: 06-21490-CIV-Gold  
MDL Civil Action Case No.: 0:06-cv-04987-JMR-AJB

Paragraphs stricken: ¶12 reference to device implanted on March 18, 1999 and  
explanted on June 16, 2004 (Gem Model 7227 Cx, Serial  
No. PIP105679H)

*Robert Kenworthy v. Medtronic, Inc.*  
United States District Court for the Northern District of Texas  
Civil Action Case No.: 4:06-cv-00411-A  
MDL Civil Action Case No.: 0:06-cv-03171-JMR-AJB

Paragraphs stricken: ¶10 references to InSync II Marquis Model 7289AA, Serial  
No. PRJ615300S, and ¶8 in its entirety

*Sally McMurtrie, Individually and as Trustee for the Estate of Horace McMurtrie, and Forrest Kaylor v. Medtronic, Inc.*

United States District Court, District of Minnesota  
Civil Action Case No.: 0:07-cv-00865-JMR-AJB

Claims dismissed:               **Forest Kaylor** - All claims related to the Gem II DR Model 7273, Serial No. PJK206848H (misidentified in Complaint as Gem DR Model 7271)

Paragraphs stricken:       ¶¶ 10 (related to Gem DR 7271), 12 and 13

*Mary E. Minor, Individually and on behalf of the Estate of Herbert L. Minor, Deceased v. Medtronic, Inc.*

United States District Court, District of Minnesota  
Civil Action Case No.: 0:06-cv-00525-JMR-AJB

Claims dismissed:               All claims related to the Gem DR Model 7271, Serial No. PIM403234R

Paragraphs stricken:       ¶¶3, 12, 25 and 98 references to GEM DR Model 7271, Serial No. PIM403234R, and ¶4 in its entirety

*Lowell Rogers, Individually and on behalf of all others similarly situated v. Medtronic, Inc.*

United States District Court for the Northern District of Mississippi  
Civil Action File No.: 2:05-cv-00200-NBB-SAA  
MDL Civil Action File No.: 0:06-cv-00181-JMR-AJB

Paragraphs stricken:       ¶20 reference to Gem II DR Model 7273, Serial No. PJK302376H

*Robin Young, as Administrator of the Estate of Don R. Young, Deceased v. Medtronic, Inc.*

United States District Court for the Western District of Arkansas  
Civil Action File No.: 5:06-cv-05044-JLH  
MDL Civil Action File No.: 0:06-cv-01536-JMR-AJB

Paragraphs stricken:       ¶¶21, 24 and 50 references to Gem DR Model 7271, Serial No. PIM401735R