

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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

MDL No. 05-1726 (JMR/AJB)

This Document Relates to All Actions

ADDENDUM NO. 2 TO AMENDED ORDER

For the reasons stated in the Court's Amended Order [Docket No. 496], dated April 23, 2007, IT IS ORDERED that:

1. 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.

2. 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.

3. 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.

4. 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.

5. The following amendment is made to Appendix A of the Court's Addendum No. 1 to Amended Order [Docket No. 521], dated May 3, 2007:

a. The inclusion of *John Warchalowsky*, United States District Court, District of Minnesota, Civil Action No. 07-CV-548, on Appendix A is hereby vacated. This case shall be reassigned back into MDL 1726, with certain claims severed as identified on the attached Appendix C.

6. The Clerk of this Court is directed to file a copy of the Court's Amended Order, dated April 23, 2007, and this Addendum in each of the cases identified on the attached Appendices A-C.

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

Dated: July 13th, 2007

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

APPENDIX A, ADDENDUM NO. 2

Cases to be reassigned:

<i>Ida Faciane, as Rightful Heir at Law and Next of Kin of Dudley Faciane, decedent v. Medtronic, Inc.</i> United States District Court, District of Minnesota Civil Action Case No.: 0:06-cv-04152-JMR-AJB	GEM 7227Cx Micro Jewel II 7223Cx
<i>Herman Gilbert and Wanda Gilbert v. Medtronic, Inc.</i> United States District Court, District of Minnesota Civil Action Case No.: 0:07-cv-01455-JMR-AJB	Maximo DR Model 7278
<i>Charles W. Klich v. Medtronic, Inc.</i> United States District Court, District of Minnesota Civil Action Case No.: 0:07-cv-02525-JMR-AJB	Maximo DR Model 7278
<i>Darryl Marshall, a minor, by and through his Guardian ad Litem, Lisa Marshall v. Medtronic, Inc.</i> United States District Court, District of Minnesota Civil Action Case No.: 0:07-cv-01025-JMR-AJB	Entrust D154ATGID
<i>Yukie Washam, Individually and as the Trustee for the Estate of Herbert E. Washam v. Medtronic, Inc.</i> United States District Court, District of Minnesota Civil Action Case No.: 0:07-cv-02327-JMR-AJB	Maximo DR Model 7278

APPENDIX B, ADDENDUM NO. 2

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

Homer Brockman: (InSync Sentry Model 7297ID)

James H. Mason: (GEM III VR Model 7231Cx)

Kenneth N. Panetti: (Maximo VR Model 7232CxAA)

Jimmy McNeal: (Maximo VR Model 7232Cx)

Annie Smith: (InSync Sentry Model 7299ID)

William D. Smith: (Maximo VR Model 7232CxAA)

Allan Williams: (GEM III VR Model 7231Cx)

Vernon Drew, et al. v. Medtronic, Inc.

United States District Court, District of Minnesota

Civil Action Case No.: 0:07-cv-01652-JMR-AJB

Clarence Sturm: (Marquis DR Model 7274)

Richard Darrett, et al. v. Medtronic, Inc.

United States District Court, District of Minnesota

Civil Action No.: 0:07-cv-00851-JMR-AJB

APPENDIX C, ADDENDUM NO. 2

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

George Benner v. Medtronic, Inc.
United States District Court, District of Minnesota
Civil Action No.: 0:07-cv-02026-JMR-AJB

Claims dismissed: All claims related to the InSync Maximo Model 7303, Serial No. PRL113473H
Paragraph stricken: ¶ 6: references to the InSync Maximo Model 7303, Serial No. PRL113473H

Anthony Berry v. Medtronic, Inc.
United States District Court, District of Minnesota
Civil Action No.: 0:07-cv-00980-JMR-AJB

Claims dismissed: All claims related to the Marquis VR Model 7232, Serial No. PRN603035S (incorrectly identified by Plaintiff in ¶ 3.1 as “Medtronic, Model 7230CX, Serial Number PKD110557H and in ¶ 6 as “Model 7232CX and serial number PRN 600219S”)
Paragraphs stricken: ¶¶ 3.1 and 6, in their entirety; ¶ 5: reference to “April 19, 2005

Dolly Burgess v. Medtronic, Inc.
United States District Court, Western District of Louisiana
Civil Action Case No.: 6:06-cv-1047-RFD-MEM
MDL Civil Action Case No.: 0:07-cv-01389 JMR/AJB

Paragraphs stricken: ¶¶ 5, 6, 7 and 8: references to Jewel Plus Model 7220, serial number PCW100786R (incorrectly identified by Plaintiff as “Medtronic model 7220C Marquis DR”)

Reverend Joseph Harb and Gloria Harb v. Medtronic, Inc.
United States District Court, District of Minnesota
Civil Action No.: 0:07-cv-02027-JMR-AJB

Claims dismissed: All claims related to the Maximo DR Model 7278, Serial No. PRM105181H

Paragraph stricken: ¶ 6: references to Maximo DR Model 7278, Serial No. PRM105181H

John Hull v. Medtronic, Inc.

United States District Court, District of Minnesota

Civil Action No.: 0:07-cv-01454-JMR-AJB

Claims dismissed: All claims related to the Maximo VR Model 7232 Cx, Serial No. PRN109278H

Paragraph stricken: ¶ 6: references to Maximo VR Model 7232 Cx, Serial No. PRN109278H

Milton Lazoff and Joyce Lazoff v. Medtronic, Inc.

United States District Court, District of Minnesota

Civil Action No.: 0:07-cv-02028-JMR-AJB

Claims dismissed: All claims related to the InSync II Marquis Model 7289, Serial No. PRJ619316S

Paragraph stricken: ¶ 6: references to InSync II Marquis Model 7289, Serial No. PRJ619316S

Deaderick H. McCracken v. Medtronic, Inc.

United States District Court, District of Minnesota

Civil Action No.: 0:07-cv-02029-JMR-AJB

Claims dismissed: All claims related to the Maximo VR Model 7232, Serial No. PRN103444H

Paragraph stricken: ¶ 6: references to Maximo VR Model 7232, Serial No. PRN103444H

James Mellang and Constance Mellang v. Medtronic, Inc.

United States District Court, District of Minnesota

Civil Action No.: 0:06-cv-03629-JMR-AJB

Claims to be stricken: All claims related to the GEM DR Model 7271, Serial No. PIM607911R

Paragraphs stricken: ¶¶ 3.1, 5 and 6: references to GEM DR Model 7271, Serial No. PIM607911R

Joan Mullally v. Medtronic, Inc.

United States District Court, District of Minnesota

Civil Action No.: 0:07-02265-JMR-AJB

Claims dismissed: All claims related to the EnTrust Model D154ATG, Serial No. PNR403079H
Paragraphs stricken: ¶¶ 3.2 and 6: references to EnTrust Model D154ATG, Serial No. PNR403079H

Rabbi Richard Rocklin and Diane Rocklin v. Medtronic, Inc.
United States District Court, District of Minnesota
Civil Action No.: 0:07-cv-02030-JMR-AJB

Claims dismissed: All claims related to the Intrinsic Model 7288, Serial No. PUB120876H
Paragraph stricken: ¶ 6: references to Intrinsic Model 7288, Serial No. PUB120876H

Edward Stanscheit and Dorothy Stanscheit v. Medtronic, Inc.
United States District Court, District of Minnesota
Civil Action No.: 0:07-cv-02031-JMR-AJB

Claims to be stricken: All claims related to the InSync Sentry Model 7297ID, Serial No. PRK104299H (incorrectly identified by Plaintiff as “Medtronic Model #7277”)
Paragraph to be stricken: ¶ 6: references to InSync Sentry Model 7297ID, Serial No. PRK104299H (incorrectly identified by Plaintiff as “Medtronic Model #7277”)

Gordon Stecker and Sharon Stecker v. Medtronic, Inc.
United States District Court, District of Minnesota
Civil Action No.: 0:07-cv-02302-JMR-AJB

Claims to be stricken: All claims related to the Maximo VR Model 7232 Cx, Serial No. PRN108843H
Paragraph to be stricken: ¶ 3.2: references to Maximo VR Model 7232 Cx, Serial No. PRN108843H

John Warchalowsky v. Medtronic, Inc.
United States District Court, District of Minnesota
Civil Action No.: 0:07-cv-00548

Claims to be stricken: All claims related to the Maximo DR Model 7278, Serial No. PRM121849H
Paragraphs to be stricken: ¶¶ 3.2 and 7: references to Maximo DR Model 7278, Serial No. PRM121849H