

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

IN RE MEDTRONIC, INC.  
IMPLANTABLE DEFIBRILLATORS  
PRODUCTS LIABILITY LITIGATION

MDL NO. 05-1726 (JMR/AJB)

This documents relates to:  
All Cases

---

**ORDER APPOINTING CLAIMS REVIEW COMMITTEE AND ADOPTION OF  
SETTLEMENT CLAIMS REVIEW PROTOCOL**

The Order for Approval of the Allocation and Resolution Process states that the Court shall appoint a Claims Review Committee. IT IS HEREBY ORDERED AS FOLLOWS:

1. The Court appoints a Claims Review Committee in the above-referenced matter and adopts the Settlement Claims Review Protocol attached to this Order as Exhibit A.

2. The Court appoints Co-Lead Counsel, Gustafson Gluek PLLC and Zimmerman Reed, P.L.L.P., and Liaison Counsel, Lockridge Grindal Nauen P.L.L.P, plus the following law firms to participate on the Claims Review Committee:

Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley, P.C.  
Levin, Papantonio, Thomas, Mitchell, Echsner, & Proctor, P.A.  
Neblett Beard & Arsenault  
Pearson, Randall & Schumacher, PA  
Rheingold, Valet, Rheingold, Shkolnik & McCartney, LLP  
Seeger Salvas LLP

SO ORDERED.

Dated: February 11, 2008

BY THE COURT:

\_\_s/ Arthur J. Boylan \_\_\_\_\_  
Arthur J. Bolyan  
Magistrate Judge of United States District Court  
District of Minnesota

**EXHIBIT A TO ORDER APPOINTING CLAIMS REVIEW COMMITTEE AND  
ADOPTION OF SETTLEMENT CLAIMS REVIEW PROTOCOL**

**Settlement Claims Review Protocol**

Pursuant to the Order for Approval of the Allocation and Resolution Process, each Participating Claimant shall submit to Co-Lead Counsel his or her claim form and supporting documentation via email or U.S. mail. The information will be retained for further review and will be tracked against the latest (currently 2/4/08) settlement lists filed with the Court.

Once a claim form and supporting documentation is received, the Participating Claimant shall be assigned an ID number and the information from his or her claims form shall be entered into the new database. Each claim shall be marked as either a Non-EIF claim or an EIF claim in the database.

Co-Lead Counsel or its designees shall review all the claims to: (1) verify the implant date; (2) verify the explant date; and (3) verify the device serial number. If there is missing objective information, the attorney for the claimant shall be notified and asked to provide the correct information. This process shall be completed as soon as possible after February 29, 2008 but no later than **March 7, 2008**.

By **February 18, 2008**, Co-Lead counsel or its designees shall prepare a general memo setting forth objective criteria to evaluate EIF claims and shall break the EIF claims down by Category, including but not limited to the following: (1) Non-Explant EIF claims; (2) Infections; (3) Multiple Recalled Devices; (4) Additional Surgeries; (5)

Extended Hospital Stays; (6) Wage Loss; (7) Loss of Consortium and (8) Wrongful Death.

For each EIF claim submitted, Co-Lead Counsel or its designees shall prepare a concise summary memo relating to that claim, which shall include the Claimant's ID number, the Category in which the EIF claim falls, a summary the facts of the case, the identification of the supporting documentation or evidence to support the EIF claim and a recommended EIF award amount. This process shall be completed as soon as possible after February 29, 2008 but no later than **March 7, 2008**.

As soon as possible after the above-described screening is completed (March 7, 2008), the Claims Review Committee shall first review and finalize the recommendations for the Non-EIF claims. By **March 14, 2008**, the base allocations amounts for Non-EIF claims shall be submitted to the Court and to counsel for the claimant notifying them of their client's base allocation and the date to file objections. Only claimants who are not claiming EIF shall have the base allocation submitted to the Court at this time. Participating Claimants shall have **7 days** (until March 21, 2009) to file written objections to the Court on the recommended base allocation amount.

As soon as possible after the above-described screening is completed (March 7, 2008), the Claims Review Committee shall review the EIF claims and finalize the recommendations for allocation amounts. The Claims Review Committee shall have access to the summary memos prepared by Co-Lead counsel or its designees and to the claim form and records submitted in support of that claim.

By **March 21, 2008**, the Claims Review Committee shall complete their review, make their final recommendations and all recommendations (including both the base allocation and EIF award amounts) and supporting documentation shall be submitted to the Court and to counsel for the claimant notifying them of their client's total allocation (both base allocation and EIF award amounts) and the date to file objections.

Participating Claimants shall have **7 days** (or until March 28, 2009) to file written objections to the Court on the recommended base allocation and EIF amount.