

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: MEDTRONIC, INC. IMPLANTABLE DEFIBRILLATORS PRODUCTS LIABILITY LITIGATION
This Document Relates to All Actions

MDL No. 05-1726-JMR/AJB

ORDER REGARDING DISSOLUTION OF MDL 1726

On December 7, 2005, the Judicial Panel on Multidistrict Litigation (“JPML”) issued its initial Transfer Order establishing “*In re: Medtronic, Inc., Implantable Defibrillators Products Liability Litigation*,” MDL No. 05-1726-JMR/AJB (“MDL 1726”) in this Court. The JPML opted to create MDL 1726 and to transfer 24 cases from federal district courts around the country to the District of Minnesota because “centralization...will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation.” December 7, 2005 Transfer Order. The JPML subsequently transferred numerous additional cases to MDL 1726 for the purposes of coordinated or consolidated proceedings pursuant to 28 U.S.C. § 1407.

In issuing the original Transfer Order, the JPML noted that all of the originally transferred cases “share allegations that certain Medtronic implantable defibrillator devices, known as implantable cardioverter defibrillators (“ICDs”) and implantable cardiac resynchronization therapy defibrillators (“CRT-Ds”), were defective...” See December 7, 2005 Transfer Order.

After over two years of proceedings in MDL 1726, the parties were able to reach a resolution of the litigation that resulted in almost all of the cases and claims pending in and related to MDL 1726 agreeing to participate in a settlement approved by this Court. Those cases that did not agree to participate in the settlement have now been remanded by the JPML and this Court to the appropriate transferor courts.

Defendant, Medtronic, Inc., and Plaintiffs' Co-Lead Counsel filed a joint notice of settlement and motion for dismissal with prejudice and suggestion for remand. The Court held a hearing on January 23, 2008. No one opposed the joint Motion.

On January 28, 2008, the Court entered an Order suggesting the remand of all non-settling cases originally filed outside the District of Minnesota. *See* Order for Suggestion of Remand, dated January 28, 2008. The JPML has remanded the cases filed outside the District of Minnesota. *See* Conditional Remand Order, filed February 28, 2008.

On April 1, 2008, the Court entered an Order that (i) dismissed with prejudice all of the cases pending in MDL 1726 for Plaintiffs who agreed to participate in the settlement; (ii) deemed filed and dismissed with prejudice all claims by Claimants agreeing to participate in the settlement, but who had not filed claims; (iii) deemed filed and dismissed with prejudice all cases filed in State Court by Plaintiffs agreeing to participate in the settlement; and (iv) remanding all claims and cases filed originally in the District of Minnesota for Plaintiffs not agreeing to participate in the settlement to the District of Minnesota for reassignment. *See* Order for Dismissal With Prejudice and Remand, dated April 1, 2008.

This Court, therefore, ORDERS that MDL 1726 is hereby dissolved because it has served its purpose and all of the cases and claims subject to MDL 1726 have now been resolved or remanded to the appropriate transferor courts. Exclusive jurisdiction to resolve any disputes between the parties related to any issues arising from the settlement of MDL 1726 and any aspect of its implementation shall lie with the Honorable James M. Rosenbaum, United States District Court for the District of Minnesota, or his designee.

Further, IT IS ORDERED that:

1. The Clerk of this Court is directed to file a copy of this Order in the general docket for MDL 1726.
2. The Clerk of this Court is directed to provide a copy of this Order to the Clerk of the Judicial Panel on Multidistrict Litigation.

Dated: December 18, 2008

s/ JAMES M. ROSENBAUM
JAMES M. ROSENBAUM
United States District Court Judge