

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Medtronic, Inc., Implantable Defibrillators
Products Liability Litigation,

MDL No. 05-1726 (JMR/AJB)

ORDER NO. 3

This Document Relates to All Actions

Based upon the stipulation agreed to by the parties and submitted to the Court, the Court hereby ORDERS:

1. The Order for the Preservation of Evidence dated January 23, 2006, p. 1 at subsection A. "Devices Subject to this Section" shall be amended to read as follows:

"The provisions of this Order shall pertain to the Medtronic implantable cardioverter defibrillators and chronic resynchronization therapy devices subject to the field actions by Medtronic that may be relevant to this MultiDistrict Litigation.

Nothing in the Preservation Order shall be used by either party as a basis to limit any party's rights to challenge or define the extent of jurisdiction of this MDL No. 1726 and the devices subject to referral to this Court with regard to MDL No. 1726."

2. The Protective Order dated January 23, 2006, in Paragraph 1 after the words "commercial information" shall be amended to include the following language:

"or any protected health information, as well as personal identifying information, as defined under the HIPAA Privacy Rule regardless of how obtained by the Parties."

3. That Pre-Trial Order dated January 20, 2006, at p.14 Section 22B should be amended as follows:

“Defendant’s Master Answers may be served or filed on or before March 15, 2006. Defendant may also serve and file any early dispositive motions seeking judgment on the pleadings and/or summary judgment by said date either in lieu of or in addition to filing said Master Answers at that time. To the extent Defendant files a dispositive Motion or dispositive Motions on or before March 15, 2006, Defendant shall have until thirty (30) days after the latest ruling on the Dispositive Motions to serve and file Master Answers if necessary following said rulings. The Dispositive Motion(s) so filed on March 15, 2006 shall constitute a responsive pleading in each constituent case now pending or when hereafter filed in, removed to, or transferred to this case except to the extent the Defendant later files a separate dispositive motion, answer in an individual case or Master Answer (*see* p.11, Section 17B also.)”

Dated: February 10, 2006

BY THE COURT:

____s/ Arthur J. Boylan_____
Honorable Arthur J. Boylan
United States Magistrate Judge