

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE ST. JUDE MEDICAL, INC., :
SILZONE HEART VALVES PRODUCTS :
LIABILITY LITIGATION : MDL DOCKET NO. 1396

PRETRIAL ORDER NO.

The Court finds that the parties have met and conferred with regard to an Order prohibiting the initiation of contact by St. Jude Medical, Inc. or St. Jude Medical S.C., Inc. and each of their respective employees, affiliates, agents, representatives, and attorneys (collectively, "St. Jude Medical") with members of the putative Classes in this matter and any related matters. The parties having stipulated thereto, the Court orders that:

1. During the pendency of this litigation, St. Jude Medical is prohibited from initiating any contact whatsoever, whether written, oral or otherwise, with any member of putative Class I or putative Class II, as such terms are defined in the Plaintiffs' Consolidated and Amended Class Action Complaint on file herein. Nothing in this Order shall prohibit or restrict St. Jude Medical from continuing to operate or communicating the existence of its Medical Expense Reimbursement Program ("MERP"), its Silzone-related website, its Silzone-related 800-number, or from complying with any state or federal regulations. St. Jude Medical may also contact St. Jude Silzone patients through their medical provider seeking permission to examine their explanted valve, provided, however, that St. Jude Medical agrees not to do any destructive testing on the valve and otherwise complies with Pretrial

Order No. 6 and provided that the St. Jude Medical Silzone® patient is apprised of this pending litigation.

2. St. Jude Medical is prohibited from seeking and shall not seek the return to St. Jude Medical of any explanted Silzone® heart valve without first having received the express written authorization and consent of the individual from whom such Silzone® valve was explanted, or the consent of that individual's authorized legal representative. The form to be used in seeking such consent is attached hereto and made a part of hereof.

3. Notwithstanding any other Order of this Court, including Pretrial Order No. 6 concerning heart valve preservation, St. Jude Medical shall not conduct any testing whatsoever on any explanted Silzone® coated heart valve unless it has received the express written authorization and consent of the individual from whom such Silzone® valve was explanted, or the consent of that individual's authorized legal representative, to engage in such testing. If consent to such testing has been received, then any such testing shall be in conformity with the provisions of Pretrial Order No. 6. This provision shall not apply retrospectively and shall not apply to any Silzone heart valve presently in the possession of St. Jude Medical which has already been tested.

IT IS SO ORDERED:

Honorable John R. Tunheim

ENTERED: **06/24/02**