

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. 2

The Court finds that the parties have met and conferred with regard to an initial scheduling and discovery order.

As a preliminary matter, the parties have agreed that the initial discovery should focus primarily on the class action matters, and that merits discovery should proceed after the ruling on class certification, recognizing that some limited merits discovery may be necessary. If a dispute arises with respect to whether a particular discovery request relates to a "class" issue or a "merits" issue, the parties agree to immediately submit such dispute for resolution by the Court or by the Court's designee. The Court or the Court's designee shall endeavor, to the extent possible, to issue a contemporaneous ruling on this issue.

The Court also finds that St. Jude Medical is desirous of evaluating the individual injury cases¹ as soon as possible with a view toward possible resolution through the mediation process. In that regard, the Court will authorize St. Jude Medical to obtain medical records and, in certain instances, depose individual injury plaintiffs, during the class action discovery period.

¹ Individual injury cases are defined as all of the cases in these proceedings, except those filed by the class action plaintiffs listed in footnotes 2 and 3.

The parties have agreed to the following initial schedule:

1. Non-injury class plaintiffs² shall file and serve via overnight mail a consolidated amended class action complaint on or before October 21, 2001.
2. The injury class plaintiff³ shall file and serve via overnight mail a consolidated amended class action complaint on or before October 21, 2001.
3. St. Jude Medical shall have until November 20, 2001 to file and serve an answer to the consolidated amended class action complaints.
4. Class plaintiffs (both injury and non-injury) and St. Jude Medical will exchange Rule 26(f) disclosures on or before October 21, 2001, unless previously provided.
5. Individual injury plaintiffs and St. Jude Medical will exchange Rule 26(f) disclosures on or before November 14, 2001, unless previously provided.
6. Unless previously provided, on or before October 21, 2001, class plaintiffs (both injury and non-injury) will provide (a) hard copies of all documents identified in the Rule 26(f) disclosure and (b) a completed Plaintiff's Initial Disclosure in the form attached hereto as Exhibit 1.
7. Individual injury plaintiffs will provide (a) hard copies of all documents identified in the Rule 26(f) disclosure and (b) a completed Plaintiff's Initial Disclosure in the form attached hereto as Exhibit 1 on or before November 14, 2001.
8. On or before October 21, 2001, St. Jude Medical will provide the documents identified in its Rule 26(f) disclosure in electronic form. The Rule 26(f) production by St. Jude Medical is conditioned upon the entry of a protective order signed by the parties and entered by the Court. If an agreement cannot be

² Non-injury class plaintiffs are Beatrice Bailey, Lester Grovatt, Evelyn Fox, James Macolly, Patricia Maronen, John McFadden, Jr., Irwin Fabre and Joseph Sanchez.

³ The injury class plaintiff is Bonnie Sliger.

reached on a protective order prior to the time St. Jude Medical is required to produce such documents, St. Jude Medical will agree to produce such documents to parties who have executed an Interim Confidentiality Agreement in the form attached hereto as Exhibit 2.

9. Beginning on November 5, 2001, St. Jude Medical and the class plaintiffs may begin to exchange Interrogatories, Requests for Admissions or Requests for Documents. This initial written discovery shall be limited to class issues.

10. Depositions can commence after the exchange of Rule 26 disclosures and are to be completed on or before February 28, 2002, subject to having received complete answers and responses to written discovery. In the event objections are lodged that must be resolved by the Court, then all depositions are to be completed within forty-five (45) days of receipt of revised answers and/or responses pursuant to the Court's Order. Except for the depositions of individual injury plaintiffs, depositions shall be limited to class issues. If St. Jude Medical takes individual plaintiffs' depositions for use at mediation, then limited merits discovery of St. Jude Medical shall be permitted. The parties are ordered to meet and confer prior to the initiation of any such merits discovery.

11. Except for the discovery set forth above, all other discovery is stayed pending further order of this Court.

12. Pursuant to Rule 16(f), joinder of any additional parties shall occur on or before March 4, 2002.

13. Plaintiffs' Motion for Class Certification will be filed and served via overnight mail on or before March 18, 2002.

14. St. Jude Medical's response to the Class Certification Motion will be filed and served via overnight mail on or before May 2, 2002.

15. Plaintiffs' reply will be filed and served on or before May 22, 2002.

16. A hearing on Plaintiffs' Class Certification Motion will take place at 9:30 a.m. on June 11, 2002.

17. The parties are ordered to meet and confer on or before March 1, 2002 with regard to a schedule for merits discovery. The parties are ordered to jointly submit a proposed merits discovery schedule on or before March 15, 2002.

18. The next Status Conference will take place at 9:30 a.m. on December 10, 2002.

IT IS SO ORDERED:

Honorable Judge John R. Tunheim

ENTERED: October 15, 2001