

B. Status of Third Party Discovery

As the Court is aware, Plaintiffs have issued a document subpoena to Sulzer Carbomedics, Inc., another company that makes, among other things, heart valve products. This subpoena was issued from the United States District Court for the Western District of Texas on August 29, 2002. Plaintiffs seek documents relating to, among other things, Sulzer Carbomedics' contacts with Spire Corporation concerning Spire's silver-coating technology. Plaintiffs are considering deposing the individual at Sulzer Carbomedics most knowledgeable concerning that company's decision not to develop Spire's silver-coating technology. Sulzer Carbomedics has objected to the subpoena in part. It does appear, however, that Court intervention will be necessary and the Plaintiffs intend to move this Court for an appropriate order based upon the Court's statement at the last Status Conference that it would entertain an order compelling production upon proper motion brought before the Court by Plaintiffs.

3. DECLASSIFICATION OF CLASS CERTIFICATION MOTION

Plaintiffs intend to move the Court for an Order declassifying the class certification briefing "confidential" so that it is open and available to the public. Plaintiffs' motion will only request that the briefing be declassified, not any documents attached to the motion which have been designated confidential. Plaintiffs anticipate that their brief will be provided to the Court before the status call on September 24, 2002.

St. Jude Medical notes that although plaintiffs' class certification briefing was filed under seal pursuant to Pretrial Order No. 4, a copy of the briefing is currently accessible to the public in the September 5, 2002 edition of Mealey's Emerging Drugs and Devices.

St. Jude Medical intends to file a Motion for Protective Order to be submitted on October 3, 2002, relating to certain third party discovery and the declassification of the Class

Certification trial exhibits for which the parties can not agree as to their confidential status.

Plaintiffs' response would be filed on October 17, 2002.

4. NEXT STATUS CONFERENCE

The parties suggest that a status conference occur, either by telephone or in person in late October to ensure the continued orderly progression of this case.

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