

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: St. Jude Medical, Inc. File No. 01-MD-1396
Silzone Heart Valves (JRT/FLN)
Products Liability Litigation

Minneapolis, Minnesota
March 22, 2006
11:38 A.M.

BEFORE THE HONORABLE JOHN R. TUNHEIM
UNITED STATES DISTRICT COURT JUDGE

(TELEPHONIC STATUS CONFERENCE)

APPEARANCES

For the Plaintiffs: LEVY, ANGSTREICH, FINNEY, BALDANTE,
 RUBENSTEIN & COREN
 STEVEN E. ANGSTREICH, ESQ.
 MICHAEL COREN, ESQ.
 1616 Walnut Street, 18th Floor
 Philadelphia, Pennsylvania 19103

CAPRETZ & ASSOCIATES
JAMES T. CAPRETZ, ESQ.
5000 Birch Street, Suite 2500
Newport Beach, California 92660

ZIMMERMAN REED
DAVID M. CIALKOWSKI, ESQ.
651 Nicollet Mall
Suite 501
Minneapolis, Minnesota 55402

GREEN, SCHAAF & JACOBSON

JOE D. JACOBSON, ESQ.
7733 Forsyth Blvd., Suite 700
St. Louis, Missouri 63105

MURPHY, SMALL & ASSOCIATES
MICHAEL SMALL, ESQ.
1701 W. Charleston Blvd., Suite 550
Las Vegas, Nevada 89102

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

For the Plaintiffs: ROBERT ROUNDTREE, ESQ.

For the Defendant: HALLELAND, LEWIS, NILAN & JOHNSON
TRACY J. VAN STEENBURGH, ESQ.
600 Pillsbury Center South
220 South Sixth Street
Minneapolis, Minnesota 55402

REED, SMITH, CROSBY, HEAFEY
STEVEN M. KOHN, ESQ.
DAVID E. STANLEY, ESQ.
355 South Grand Avenue
Suite 2900
Los Angeles, California 90071

LIZ PORTER, ESQ.

Court Reporter: KRISTINE MOUSSEAU, CRR-RPR
1005 United States Courthouse
300 Fourth Street South
Minneapolis, Minnesota 55415
(612) 664-5106

Proceedings recorded by mechanical stenography;
transcript produced by computer.

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 (In chambers via telephone.)

2 THE COURT: Good morning and good afternoon,
3 everyone.

4 MR. CAPRETZ: Good morning, Judge.

5 MS. VAN STEENBURGH: Good morning, Judge.

6 MR. ANGSTREICH: Good morning, Your Honor.

7 MR. KOHN: Good morning, Your Honor.

8 THE COURT: For the record this is case number
9 01-1396, In re St. Jude Medical, Incorporated, Silzone
10 Heart Valves Products Liability Litigation. We have --

11 MR. CAPRETZ: Judge, you need to speak up. It's
12 like a distant planet.

13 MR. KOHN: I'm sorry. Same thing, Your Honor.
14 Steve Kohn. I can barely hear what you're saying.

15 THE COURT: Okay. We'll try to talk louder. I
16 think we have our phone up on the highest volume. We have
17 all counsel identified for the record already, so I don't
18 think we need to go through that. Let's turn right to the
19 agenda for this telephonic status conference today.

20 The class certification briefing I have noted is
21 ongoing.

22 MR. ANGSTREICH: Yes, Your Honor. Steve

23 Angstreich.

24 THE COURT: Go ahead.

25 MR. ANGSTREICH: Our reply brief, Your Honor,

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 would be due on Friday. Defense counsel has graciously
2 agreed, subject to Your Honor's agreement, to allow us to
3 file our reply on April 7th.

4 The argument I believe is the 26th, so the
5 question is whether or not if Your Honor doesn't get our
6 reply in until April 7th, that would in any way cause you a
7 problem in being ready for the 27th -- 26th.

8 THE COURT: No. I believe April 7th would be
9 just fine, so that's okay.

10 MR. ANGSTREICH: Wonderful, and we appreciate the
11 defendant's courtesy.

12 MR. KOHN: Your Honor, this is Steven Kohn for
13 St. Jude. Without seeing what plaintiffs intend to file by
14 way of reply, and I don't know the reason for the
15 extension, but if it's -- if there are new issues raised
16 and the scope of the reply makes it such that we feel a
17 surreply is necessary, we would want to alert the Court now
18 that that may be a possibility.

19 Obviously we can't say that with any degree of
20 certainty until we see what is being prepared, but we just
21 wanted to highlight that as a potential possibility.

22 THE COURT: If you believe --

23 MR. ANGSTREICH: As we had a discussion a long

24 time ago -- again this is Steve Angstreich -- the question

25 was, what was going to be presented. And we took the

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 position, as Your Honor will recall, that we thought the
2 only thing that needed to be briefed and argued was the
3 issue of the 50 state analysis and whether as a result of
4 that Minnesota law still was the appropriate law to be
5 applied to the entire class or whether some other group or
6 groupings of laws should apply.

7 And we thought that the defense would take the
8 position that there needs to be another look at the entire
9 issue of certification, irrespective of the 50 state
10 analysis, and as expected, our brief only focused on the 50
11 state analysis.

12 The defendant's brief, as we anticipated,
13 addressed our approach as well as raised again the full
14 panoply of Rule 23 analysis for class certification, and in
15 our opinion, raised some issues that have never been argued
16 before, nor raised as a basis for lack of certification
17 during the period of time when we might have been able to
18 take substantive discovery on some of those issues.

19 So it is conceivable that Mr. Kohn is
20 anticipating the fact that we're going to be addressing
21 those issues as we view it to be beyond the scope of what

22 was to be provided. We would have no objection to the
23 extent that he feels that our response to that broad brush
24 Rule 23 argument needs a surreply.

25 MR. KOHN: And to follow up on that, Your Honor,

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 to the extent a surreply would be required, we would
2 definitely get it to the Court in advance of the hearing on
3 the 26th. So I don't at this time, subject to taking a
4 look at their reply, anticipate the need to move the
5 hearing, although we might need the Court's permission to
6 file it shortly before the hearing.

7 MR. CAPRETZ: Your Honor, this is Capretz
8 speaking. I wonder, Mr. Kohn uses the word "would be
9 required," a surreply would be required, and I think
10 Mr. Angstreich's point is well taken. Perhaps we need a
11 definition in what we're arguing in doing here.

12 I did think the scope of this was an analysis of
13 the 50 state laws and whether or not Minnesota law applies.
14 So all else seems to be extraneous, and if we get off on
15 the side issues, we're diverting from the main issue at
16 hand, and I'm not sure it's appropriately before the Court.

17 THE COURT: Well, let's see what happens after
18 the brief is in.

19 Mr. Kohn, if you believe you have a basis for a
20 surreply, be in touch with the Court. We will get that
21 taken care of right away.

22 MR. CAPRETZ: Okay.

23 THE COURT: Okay. Anything else on class

24 certification? I think we're still set for a hearing on

25 the 26th of April. I hope that date is still good for

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 everyone.

2 MR. CAPRETZ: Yes.

3 MR. ANGSTREICH: Yes, Your Honor.

4 THE COURT: Okay. Expert discovery, how is that
5 coming along?

6 MR. ANGSTREICH: Your Honor, we have been given
7 some dates. We're trying to fill those dates in so that
8 the three experts that we have identified move forward.

9 What we have tried to do, Your Honor, is to limit
10 depositions at this time until Your Honor's ruling to those
11 experts whose testimony would be necessary in individual
12 cases, those generic experts that are unrelated to issues
13 of medical monitoring and things of that nature. So we're
14 trying to limit it on both sides.

15 We've identified three we believe fall within the
16 concept of generic experts, and we've identified those on
17 the other side that would parallel our experts. So we're
18 moving forward to finalize some dates for that.

19 THE COURT: Okay. Anything from the defendant?

20 MR. KOHN: No, Your Honor. We agree with that,
21 and the time frame, I think we've agreed that the expert

22 actual depositions will not commence until after the
23 argument on the 26th of April and that we will try to get
24 the plaintiffs' experts concluded by the end of June, and
25 then our experts would be deposed during July and August.

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 MR. ANGSTREICH: That's correct.

2 THE COURT: Sounds good. Okay. The next issue
3 here, who is handling that, the discovery dispute here?

4 MR. CAPRETZ: Your Honor, before we move if I may
5 interject, I'm one of the individuals who has a case, as
6 the Court is aware, that we believe is going to have to be
7 tried in Ramsey County.

8 I just want to parenthetically say that it is
9 important that we conclude these depositions of the generic
10 experts as discussed and agreed upon by plaintiff
11 independents as soon as possible so we can be in a position
12 to move forward with trial proceedings. Our plaintiff is
13 in a precarious health circumstance, and we're very
14 concerned about that.

15 And as the Court knows, everything has been
16 elongated due to a various combination of circumstances.
17 So I just want to bring it to the Court's attention that it
18 is important to finish these generic experts as suggested
19 and agreed upon by plaintiffs and defendants today.

20 THE COURT: Okay. Good point.

21 MR. ANGSTREICH: If I might address this issue of

22 the Epic Slide discovery dispute, Your Honor. Steve

23 Angstreich again.

24 THE COURT: Go ahead.

25 MR. ANGSTREICH: We, David Stanley and I, had a

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 discussion along with Mike Coren from my office, of the
2 issue of rebuttal expert reports, and we basically came to
3 the conclusion that rebuttal experts were those who were
4 other than those identified at the present who would be
5 offered to rebut something that was presented in the
6 defense expert reports, but that to the extent that those
7 experts we've identified already are merely commenting on
8 the report, they would not be considered, quote unquote,
9 rebuttal experts, and therefore there would not be a
10 rebuttal expert report.

11 That's at least my understanding and Michael's
12 understanding, and before I go any further, if that is not
13 David's understanding, he ought to speak on that issue
14 first.

15 MR. STANLEY: Why don't you explain? I think the
16 whole issue has got to be explained --

17 MR. ANGSTREICH: Okay. Then I will go forward.

18 MR. STANLEY: -- in context.

19 MR. ANGSTREICH: One of the defense experts in
20 responding to our expert Kevin Healy -- I'm sorry --
21 Wilson, our expert Wilson, referenced certain slides,

22 they're called the Epic Slides. It's a different valve,
23 but it's also a valve that has a Silzone coating on it.
24 And those slides were not requested, nor provided obviously
25 because they weren't requested, in connection with Wilson's

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 review -- okay -- over Wilson's review -- Wilson's report.

2 So since their expert has commented on these Epic
3 Slide issues, we wanted the slides to be made available to
4 Wilson so that he could comment since that was part of
5 their report. The dispute, as I understand it, and David
6 or Michael can correct me if I'm wrong, the dispute centers
7 around whether or not Wilson's review of those slides
8 requires a commitment from us that Wilson will supply a
9 rebuttal expert report as it relates to those slides.

10 Our position is that that does not come within
11 the scope of our discussion as to what did or did not
12 qualify or require an expert -- rebuttal expert report, and
13 since Wilson is being deposed that once he gets the Epic
14 Slide, they can ask him all kinds of questions they want as
15 to the impact of those slides on his opinion and any
16 comments he has with respect to their expert.

17 Therein lies the dispute. So we can't get the
18 Epic Slides until we agree or Your Honor tells us we don't
19 have to agree to provide a rebuttal expert report.

20 David, did I articulate the dispute?

21 MR. STANLEY: I think you have articulated the

22 dispute.

23 MR. ANGSTREICH: Okay.

24 MR. STANLEY: And, Your Honor, my response is

25 that, and Steve Kohn knows more about what is actually in

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 these reports than I do, but it's my understanding that
2 Dr. Wilson did discuss the Epic study and Epic results and
3 Epic pathology in his report, but he did not discuss the
4 slides in his report.

5 In response, our expert did review the slides and
6 has some opinions about that in response, and now what the
7 plaintiffs are asking to do is, they want to now request
8 the slides from us, have Dr. Wilson review them and
9 supplement his opinions, and that's where the dispute lies.

10 You know, this is significant additional work to
11 buttress his opinions and in our view Rule 26 requires a
12 supplemental report, and, you know, the -- when we talked
13 about rebuttal witnesses, we were talking about, in my view
14 anyway, as I recall the conversation, that, you know, if
15 they had brand-new witnesses to offer opinions solely to
16 rebut opinions offered by our experts, and they had to give
17 us rebuttal reports and rebuttal designations, but this is
18 different than that, Your Honor.

19 These are definitely additional work being done
20 by their expert to supplement their opinions, and in order
21 for us to be able to prepare to take Dr. Wilson's

22 deposition, you know, we need to see what his opinions are
23 based upon his review of those slides.

24 MR. ANGSTREICH: Your Honor, if I just might
25 respond. Their expert has critiqued Dr. Wilson's analysis

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 using those slides as a basis for the critique. In order
2 for Dr. Wilson to explain why his analysis in the first
3 place is correct and why resort to those slides does not
4 undercut his conclusion, he has got to get the slides.

5 A long, long, long time ago we had a dispute over
6 those slides and whether or not Dr. Wilson had to go to the
7 slides or the slides could go to Dr. Wilson, and there was
8 an insistence that Dr. Wilson go to the slides. End of
9 dispute. No examination of the slides.

10 Now they become a part of, if not a linchpin, in
11 the expert report as to why Dr. Wilson is wrong. We now
12 need to see them so that he can explain why he is still
13 right and those slides don't undercut him. That's not a
14 new report. That goes to supporting his position.

15 So for us to be placed in a position where we
16 have to agree to a supplemental or rebuttal -- in effect
17 it's a rebuttal report, every one of our experts would
18 thereby have to give a rebuttal report if they're going to
19 say why defendant's experts are wrong, and that's what we
20 agreed would not be necessary.

21 MR. KOHN: Your Honor, this is Steve Kohn. Since

22 I'm the one who will be taking Dr. Wilson's deposition in
23 Toronto, let me just address a couple of points here. One
24 is that, and I could be wrong about this, but my
25 recollection of it was a long time ago, is that the slides

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 that Dr. Wilson did review, they weren't the Epic Slides,
2 they were other animal study slides, were sent to him by
3 courier and picked up by courier.

4 He did not have to come to St. Jude to look at
5 slides, but even if he had, the slides would have been made
6 available to him, so that's not really the issue. As
7 Mr. Angstreich said correctly the first time around, these
8 slides were never requested. If they had been, they would
9 have been provided.

10 I can't go to take Dr. Wilson's deposition in a
11 meaningful way unless I have a preview of what his opinions
12 are by means of a report and have the opportunity to review
13 that with our expert. It seems to me that pathologists, as
14 a matter of routine, whenever they review pathology, they
15 typically generate reports.

16 It's a trivial matter. It could be done in an
17 hour or two by dictation. It's not a burden on them, and
18 in fairness to us, I think we're entitled to it.

19 MR. ANGSTREICH: Your Honor, if I might correct
20 Steve Kohn, his rendition. They were requested. They
21 would not release them. Dr. Wilson had to go to St. Jude.

22 It is correct that the other slides they did courier, but
23 the Epic Slides had to be reviewed. That was the position
24 taken, and that's why they were not reviewed for that --
25 for that reason.

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 Now, apparently their expert relies upon the Epic
2 Slides coincidentally or maybe just serendipitously because
3 Dr. Wilson never had them to review, and now we need to get
4 them reviewed without an obligation for a supplemental
5 report or rebuttal report. Otherwise isn't that what every
6 one of our present experts would be required to do before
7 Steve Kohn takes their deposition?

8 MR. KOHN: We're not asking for any other
9 supplemental reports or rebuttal reports except this one.

10 MR. ANGSTREICH: I understand, but you're telling
11 us that you don't know what -- how to ask the questions.
12 It's the same thing. You don't know what our experts are
13 going to say as to what is wrong with your expert's
14 analysis, but this one, because you're holding the slides
15 again hostage, this time you will courier them to him, but
16 he has got to give you a rebuttal report.

17 I think we may have exhausted this subject. At
18 least the plaintiffs have exhausted this subject.

19 MR. KOHN: I submit it as well, Your Honor.

20 THE COURT: Okay. Very well. I think that the
21 defense is entitled to a brief report on this, the opinions

22 of the plaintiff expert Dr. Wilson on these slides. I
23 don't think it has to be extensive. It just, if they, his
24 opinion is that they bolster his prior opinion, that should
25 be a very brief report.

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 I think that that would enable his deposition to
2 go more smoothly, and so I will order that Dr. Wilson
3 generate a brief report after his review of these slides
4 and that the slides should be submitted to him just as
5 quickly as possible for his review.

6 MR. ANGSTREICH: Very good.

7 THE COURT: Anything else on that point?

8 MR. CAPRETZ: No. I think that covers that, Your
9 Honor.

10 THE COURT: Okay. Should we move on to
11 Ms. Sliger?

12 MR. CAPRETZ: Yes, and I was --

13 MR. JACOBSON: I am here. Joe Jacobson.

14 MR. CAPRETZ: Yes, because David Stanley had
15 asked that we bring up the motion to file an amended
16 complaint. Joe?

17 MR. STANLEY: Let me just cover this real quick,
18 Your Honor, because I think Joe and I are on the same page
19 on this. We have settled the Sliger case, and as the Court
20 may recall, the Sliger case was originally filed as the
21 personal injury class action, and then when that was

22 decertified, then Mrs. Sliger kept her case as her
23 individual personal injury case.

24 And then she died last year, and the case was
25 transformed into a recovery action by the estate, and we

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 have now settled all of these claims with Mr. Jacobson's
2 office, but we need to have the complaint include all of
3 the claims that are being released. So we need to amend
4 the complaint to add the wrongful death claims and the
5 claims that are being released.

6 And what Mr. Jacobson's office has been telling
7 me is that we need to make some special motion to sever
8 this case from the MDL back to the home jurisdiction, which
9 by the way is your court, Your Honor, and then amend the
10 complaint so we can go ahead and proceed with the
11 settlement and get it approved.

12 My thought was, I didn't think that was
13 necessary, that Your Honor could just grant leave to file
14 or for them to file the amended complaint so we could get
15 this resolved. That's why I put it on the calendar today.

16 MR. JACOBSON: Judge, Dave Bush, my partner, who
17 has been handling the personal injury part of the case
18 tells me that it is important for a number of reasons that
19 we do the severance and re-filing, one of which is to make
20 it clear that the claim that we have is the wrongful death
21 claim which will allow Ms. Sliger's descendents to receive

22 some money, otherwise it was all for her injuries.

23 There is an old medical lien out there that will

24 eat up a significant portion of it. So the idea is to try

25 to get the clients their money here.

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 THE COURT: Well, that sounds acceptable. I
2 think -- let's handle it this way, Mr. Jacobson: Why don't
3 you provide the Court with a draft order that accomplishes
4 this and run it by Mr. Stanley, and if it looks acceptable
5 to the Court, we will sign it and file it and get it taken
6 care of so you can file the amended complaint.

7 MR. JACOBSON: All right. I will have David give
8 you a proposed order severing and doing the rest of it.

9 THE COURT: Sounds good.

10 MR. JACOBSON: Thank you, Your Honor.

11 MR. STANLEY: Thank you very much, Your Honor.

12 THE COURT: Mediation, anything on that?

13 MR. CAPRETZ: Mr. Stanley has volunteered to
14 report on that.

15 MR. STANLEY: Just a brief report, Your Honor.
16 Since the last status conference, two cases have settled.
17 That's the Sliger case and the Meaux case, M-e-a-u-x.
18 Those two cases are settled. I believe that Mr. Capretz
19 just filed a brand-new case, this Jurgena case,
20 J-u-r-g-e-n-a.

21 So that leaves us right now with 15 pending

22 individual injury cases, of which five continue in our view
23 to be no injury cases so we will not mediate them, and the
24 other ten we're still talking about. We just transitioned
25 through the last insurance layer, so we hope to heat up

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 some settlement negotiations in these cases in the upcoming
2 months.

3 THE COURT: Okay. Anything else on that subject?

4 MR. CAPRETZ: From the plaintiffs' perspective
5 that's about as accurate a report that can be given at this
6 time.

7 THE COURT: Okay.

8 MR. CAPRETZ: We conclude that portion, Your
9 Honor, and might move on to the next if you will.

10 THE COURT: Just a quick comment. Obviously the
11 focus coming up in the next month or two will be the class
12 certification motion. At some point here, I intend to turn
13 our focus to the remaining individual cases and set on for
14 trial or return or whatever the situation may be the ones
15 that there is no mediation that is scheduled for.

16 So I am not pushing that point yet, but once the
17 class certification issue is resolved by the Court, then I
18 think that is where I would like to turn my attention.
19 Okay. Let's move on to the next item, then.

20 MR. CAPRETZ: The next item basically is,
21 Mr. Stanley gave a brief overview of the status. The only

22 difference might be the state court -- not the MDL
23 proceedings, but the state court proceedings. The last
24 report we gave you in January of '06, there were 30 pending
25 we counted, and there are now 28 pending in Ramsey

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 County -- I assume that they're all in Ramsey County. I
2 don't know.

3 David or Steve, do you know of any others in
4 state courts anywhere else?

5 MR. SMALL: No. No. This is Mike Small. I know
6 of no others.

7 MR. CAPRETZ: Okay. So that's the status on the
8 report. There is nothing yet set for trial. We should be
9 number one on the list of trials once we get through this
10 discovery and we can move forward, and we're looking to
11 conclude that sometime in the early fall. So hopefully
12 Judge Gearin can set some dates in the not too distant
13 September for our trial, and there are others in sequence
14 if they aren't settled similarly will be heard there.

15 MR. ANGSTREICH: This is Steve Angstreich, Your
16 Honor. As an update, Gordon Rudd attended a status
17 conference, along with Tracy, on ten cases that his office
18 and our office are involved in, and we're looking to try to
19 get those to trial I believe in January.

20 THE COURT: Okay. Anything in Canada?

21 MR. CAPRETZ: In the -- with the Canadian

22 litigation, the only development I'm aware of, there was a
23 ruling by the appellate division on St. Jude Medical's
24 appeal of the fees and costs award made by the lower court
25 judge, and the appellate court ruled three to nothing in

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 favor of upholding the lower Court's ruling and awarded the
2 plaintiffs' counsel their full fees and costs as was
3 awarded by the original judge.

4 That's the only development that I'm aware of. I
5 think discovery continues. I don't know. Steve Kohn, do
6 you have any further update or comment on --

7 MR. KOHN: No. There is really is nothing to
8 report on Canada other than what you just said.

9 MR. CAPRETZ: All right. That's it for the
10 agenda for us, Your Honor.

11 THE COURT: Okay. In terms of the next status
12 conference, can we do that together with the argument on
13 the motion for class certification?

14 MR. ANGSTREICH: This is Steve Angstreich, Your
15 Honor. I think that makes the most sense.

16 MR. CAPRETZ: Yes.

17 THE COURT: Okay. Let's plan on that, then. We
18 will just make sure we have enough time set on the calendar
19 for the arguments and for any additional status conference
20 matters. Anything else for today?

21 MR. CAPRETZ: We appreciate your time.

22 THE COURT: Anything else anyone wants to raise

23 today?

24 MR. ANGSTREICH: I think that covers it, Your

25 Honor.

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106

1 THE COURT: Okay. Very well. We will see
2 everyone in about five weeks.

3 MR. CAPRETZ: Yes. Thank you, Your Honor.

4 MR. ANGSTREICH: Thank you very much, Your Honor.

5 MR. KOHN: Thank you, Your Honor.

6 THE COURT: We will be in recess.

7 * * *

8 I, Kristine Mousseau, certify that the foregoing
9 is a correct transcript from the record of proceedings in
10 the above-entitled matter.

11

12

13

14 Certified by:
Kristine Mousseau, CRR-RPR

15

Dated: March 24, 2006

16

17

18

19

20

21

22

23

24

25

KRISTINE MOUSSEAU, CRR-RPR
(612) 664-5106