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1 (In chambers.)

2 THE COURT: Hello. Hi, everyone. Just for the
3 record, this is civil case number 01-1396, In Re: St. Jude
4 Medical, Silzone Heart Valve Products Liability Litigation.
5 We have a telephone status conference today. Let's see.

6 For the record, would counsel note their
7 appearances?

8 MR. ANGSTREICH: Steven Angstreich for the class.

9 MR. CAPRETZ: Jim Capretz for the class.

10 MR. SMALL: Mike Small for the class.

11 MR. JACOBSON: Joe Jacobson for the class.

12 MR. RUDD: Gordon Rudd for the class.

13 MR. KOHN: Steven Kohn for St. Jude Medical.

14 MS. VAN STEENBURGH: Tracy Van Steenburgh for
15 St. Jude Medical.

16 MR. STANLEY: David Stanley for St. Jude Medical.

17 MS. PORTER: And Liz Porter from St. Jude
18 Medical.

19 THE COURT: Okay. Mr. Capretz, are you going to
20 lead us off?

21 MR. CAPRETZ: Yes, Your Honor, we're ready to go.
22 The agenda is as it was presented to you. Most of this
23 particular hearing should revolve around the discovery
24 disputes. There are two that Mr. Angstreich will handle,
25 but primarily the going through the status, the Eighth

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1 Circuit Court of Appeals hearing was held on June 20th.

2 It was argued at that time. We're still waiting
3 for a ruling from the Court, and we don't have anything
4 further to add on that. On the mediation program, I
5 suspect that would be best handled by Mr. Stanley or
6 Mr. Kohn. I do have one case situation to bring up, but
7 if, David, you would report on the progress, it would be
8 appreciated.

9 MR. STANLEY: Sure. Right now, Your Honor, I
10 believe that there are 20 pending cases in the MDL. Four
11 of those are the class action cases. Of the 16 that are
12 left, one is set for mediation in Arkansas. We're trying
13 to set mediations in five others, and in those cases, we're
14 either waiting for a settlement demand or for some other
15 medical information that we need to evaluate the case.

16 We had one failed mediation yesterday, although
17 it's my understanding that discussions may be still
18 ongoing. We have one case where negotiations are stalled,
19 and the rest are noninjury cases.

20 MR. CAPRETZ: And what I wanted to bring to the
21 Court's attention is, I'm not sure if what Mr. Stanley is
22 referring to is the Meaux case.

23 MR. STANLEY: It's not.

24 MR. CAPRETZ: Okay. Well, we have a particular
25 problem that -- it is a problem coming from the insurance

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1 carrier, but that's not the client's problem or shouldn't
2 be, anyway, but the Meaux family is a Louisiana family that
3 had their case negotiated -- mediated in May a year ago,
4 and we did not reach an agreement, but we did agree to
5 further mediate the case, and then we were later told that
6 while the carrier thought that we could resolve the case
7 that mediation probably wouldn't be necessary. We could
8 probably do it by negotiation.

9 Well, we have asked and local counsel has asked
10 on numerous occasions about the status of the matter, and
11 we cannot get any answer as to what, why, we're doing here.
12 We need to know if we have to prepare the case for trial or
13 if we truly are going to be able to move forward with
14 negotiations.

15 So I'm not sure. I did alert St. Jude Medical
16 that I was going to bring this issue up, so perhaps they
17 could have a response or offer some comment. Perhaps
18 Mr. Kohn is the appropriate one to respond to the position.

19 MR. KOHN: All I can say is that we're working on
20 it, and I would expect within the next 30 days we will
21 either set it for mediation or try to resume the
22 negotiations.

23 THE COURT: Okay. Within the next 30 days, did
24 you say?

25 MR. KOHN: Correct.

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1 THE COURT: Okay. Well, we can take the matter
2 up at our next status conference if nothing has happened,
3 Mr. Capretz.

4 MR. CAPRETZ: We cannot -- I cannot hear you,
5 Your Honor.

6 THE COURT: I said we've got this 30-day period
7 in which they anticipate something will be done one way or
8 the other. If there is still a problem at our next status
9 conference, we can take up the matter then.

10 MR. CAPRETZ: That's fine with me, Your Honor.

11 THE COURT: Okay.

12 MR. CAPRETZ: The next matter then is the pending
13 MDL and state court claims. David reported on pending MDL
14 claims. State court claims are the same as the last
15 report. There are approximately 29 claims that are
16 outstanding at the moment. Progress has been made on
17 negotiating or mediating certain of those claims. I know
18 certain others are scheduled to be further discussed.

19 The first case set for trial continues to be the
20 one that we have suggested earlier. That is the Cosentino
21 matter, and this is a matter that I do not think lends
22 itself due to complex issues to a ready resolution. So
23 we're planning on trying that case. It's now set or going
24 to be set for the first quarter of 2006.

25 It's been delayed because of the need and

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1 necessity to work with the experts, the MDL experts. So as
2 a result, we're treading water, if you will, until the
3 expert matter is resolved and those experts are available
4 for hearing at the trial.

5 THE COURT: Did you say that was Ramsey County?

6 MS. VAN STEENBURGH: Yes.

7 THE COURT: Okay.

8 MR. CAPRETZ: That's Ramsey County.

9 THE COURT: Okay.

10 MR. CAPRETZ: I do not know, David or Tracy, are
11 there any other state court matters anywhere else?

12 MR. STANLEY: I don't think so.

13 MS. VAN STEENBURGH: Other than Ramsey County,
14 no, I don't think so.

15 MR. CAPRETZ: All right. There was some matter
16 in Missouri, I don't know what happened to that particular
17 one, Ward or something to that effect. There is an issue
18 that I would like to see addressed at one of these
19 conferences. Judge Gearin in a recent discovery dispute
20 hearing indicated that she had been in contact with you, I
21 guess this was some time ago, about possibly jointly
22 handling certain motions or matters that might come up that
23 affect her cases as well as the MDL.

24 And I'm not quite sure what she was referring to,
25 and I would like to know if possible what the plans of the

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1 Court might be so we can plan accordingly?

2 MS. VAN STEENBURGH: Your Honor, I was there.
3 This is Tracy Van Steenburgh. I was there when she made
4 that comment, and it was really in reference to not
5 duplicating Daubert motions if in fact, you know, those are
6 coming up, that maybe there is some efficiency to having
7 those heard in both forum at the same time or something
8 like that.

9 That's the reference, Jim Capretz, to that
10 comment that she made.

11 MR. CAPRETZ: That's fine.

12 MS. VAN STEENBURGH: Okay.

13 THE COURT: I have discussed the matter with
14 Judge Gearin, as I have with other state court judges who
15 have had cases in -- that are related to the MDL, and what
16 we discussed was at least the theoretical possibility of
17 holding a joint hearing if there are challenges to the
18 experts because I think we were on the same, roughly on the
19 same time schedule as Ramsey County for assessing expert
20 related issues.

21 So that's what that is all about. I think we're
22 a little too early to discuss that.

23 MR. RUDD: Is anybody else having a problem
24 hearing the judge?

25 MR. CAPRETZ: Yes. I can barely hear the judge.

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1 MR. RUDD: Cutting in and out?

2 MR. CAPRETZ: Yes.

3 THE COURT: I don't know why that is occurring.
4 Sorry about that. I said I thought it was probably
5 premature right now, but I think we were looking at
6 sometime this fall because that coincided with the time
7 that we are teeing up expert issues in these cases.

8 MR. CAPRETZ: Okay.

9 THE COURT: Everyone hear me all right?

10 MR. ANGSTREICH: Yes, Your Honor, and I assume to
11 the extent that that's going to happen, it will be based
12 upon somebody making a motion and raising the issue.

13 THE COURT: That's correct.

14 MR. CAPRETZ: Okay. Your Honor, that pretty much
15 concludes the first section of the status conference, and
16 we can now turn to the discovery dispute.

17 And, Steve, would you handle that?

18 MR. ANGSTREICH: Sure. Your Honor, I think that
19 both David and I tried to give Your Honor our respective
20 positions as best as we could with respect to the
21 interrogatory issue. It was briefed. It was presented to
22 our special master. We believe he issued an order
23 directing the responses as we have articulated it.

24 David views it otherwise, and I don't know that
25 there is much more that either one of us needs to say other

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1 than beyond what is in the joint status report. I
2 apologize to getting it to the Court late, but I was unable
3 to get to it before the beginning of this week, so whether
4 or not Your Honor wants to discuss it further or take it
5 under advisement and review what we have submitted, either
6 is fine.

7 MR. STANLEY: Your Honor, Dave Stanley. Mike
8 Horn and I have been working on this litigation for the
9 last five years, and it's very rare when we cannot, you
10 know, come to some meeting of the minds on some discovery.
11 This has been, you know, one of the few exceptions, and I
12 think what -- what they are looking for, Your Honor, is for
13 us to admit or verify in some way some of the information
14 that's contained in our web site.

15 And what that is, Your Honor, is not the
16 company's internal standards but basically, you know, you
17 know, reporting the results of published literature. And
18 if what they're, you know, what they want is to say, well
19 will St. Jude Medical admit that the approximate opening
20 angles on their leaflets are X and Y, then I think that is
21 something that we can respond to, but just to say, what are
22 your leaflet mobility and restriction standards, and we
23 said we don't have any internal standards, so I can't
24 produce what doesn't exist.

25 I think what we maybe need to do on this is for

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1 them to get real specific on, okay, this is what you say on
2 your web site about, you know, how the valve functions or
3 what the opening angles are. You know, can you admit that
4 or can you verify that in some way, and I think we could do
5 that, but the way that, you know, the way the interrogatory
6 is right now, we can't respond because we don't have what
7 they say that we have, and that's where the impasse is.

8 They say we have it. We say we don't, and there
9 is the impasse. How can I comply with an order, which by
10 the way I don't think Special Master Solum said, produce
11 something that you don't have. What we had said in our
12 responses was, we don't have anything.

13 The closest thing, you know, the only relevant
14 specification information are contained in the design
15 documents, and we list a bunch of Bates numbers, but that's
16 not what -- that's not what the PSC wants. They want
17 something different. They want something that we don't
18 have. So that's really the essence of the dispute, Your
19 Honor.

20 THE COURT: Well, is there a way to narrow down
21 the request to focus more on what you're seeing from the
22 web site, Mr. Angstreich?

23 MR. ANGSTREICH: Your Honor, we can try, but we
24 have been attempting to do that, and what we find difficult
25 is for somebody to say that they have no -- they have no

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1 information, if you look at what we have provided as part
2 of the rebuttal, this is from their web site. There has
3 got to be something that -- upon which this is based.

4 If they -- you just wouldn't publish this, but we
5 can give it one more shot, Your Honor, to see if we can
6 narrow it or just simply get a statement that they have --
7 they have no information to support whatever it is that
8 they have put on their web site. We will take one more
9 shot at that, Your Honor.

10 I really don't know that we'll get very far, but
11 we will try.

12 MR. STANLEY: I think if we go by that approach,
13 you will be very surprised by how far we can get.

14 MR. ANGSTREICH: Okay.

15 THE COURT: Why don't you try to do that in the
16 next two weeks here, and if you could send a joint letter
17 back to me, and if it's not resolved then, then I will have
18 to take up the issue.

19 MR. ANGSTREICH: We will do that, Your Honor.

20 MR. STANLEY: Perfect.

21 THE COURT: Okay.

22 MR. ANGSTREICH: The other issue relates to the
23 AVERT status check, and I brought that to the Court's
24 attention some time ago, and we tried to work it out
25 through the University of Pittsburgh with their counsel,

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1 and we just can't get anywhere, and it's very frustrating
2 because our experts say they need it in the same format.

3 The format and the documents were provided to
4 Dr. Grunkemeier who got the information, and it wasn't in
5 connection with any expert work he was doing for St. Jude
6 Medical at the time. And the only argument that has ever
7 been made is that we shouldn't get it because somehow there
8 is patient -- patient information disclosed, and we have
9 offered to redact it.

10 The question for the Court is whether you want us
11 to present all of this to the special master or simply
12 present it to you by way of formal motion and then if we
13 need to argue it, we can argue it at the next status
14 conference.

15 MR. KOHN: Your Honor, this is Steven Kohn. I
16 don't really have a position as to whether it should go to
17 the special master versus being decided by Your Honor. I
18 think both sides have set out what the issues are in the
19 joint status conference statement. To the extent that
20 either Your Honor decides it or the special master decides
21 it, I think it should be further briefed, however.

22 THE COURT: Is the primary objection the patient
23 data?

24 MR. KOHN: Really, that's the only objection is
25 that both under HIPA and under the other statute that we

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1 cited here, we believe we're precluded from revealing
2 patient names, patient identifiers, and we have
3 consistently taken that position. We don't give the data
4 set to our experts with that information in it.

5 The FDA doesn't produce any FER's or MDR's with
6 that information in it, and so as far as we're concerned,
7 we're precluded by statute from making that kind of
8 information public, and the University of Pittsburgh has
9 taken the same position. In fact, they've invited the PSC
10 to provide them with some authority that says we don't have
11 to comply with HIPA or with the statute, and so far they
12 haven't done that.

13 MR. ANGSTREICH: That's being a little bit
14 disingenuous. First of all, Dr. Grunkemeier has gotten all
15 of the records with all of the patient names on it. He is
16 not their doctor. He is not providing any services for
17 AVERT in connection with his getting all of the documents.

18 This was simply gratuitously sent to him, and we
19 asked him to supply them to us, and he has refused. We see
20 no reason why you can't simply or have the University of
21 Pittsburgh simply redact the patients' names so that we can
22 get the same data set that everybody else has been working
23 with, especially since the only thing we have gotten are
24 Excel spread sheets, and there is no way of verifying that
25 the information is in fact accurate or from the source

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1 document.

2 So we need the source document so that our
3 experts can make comments upon the AVERT conclusions that
4 St. Jude Medical would like to rely upon.

5 MR. KOHN: Well, let me correct that.

6 MR. ANGSTREICH: And there is no way we can do
7 that.

8 MR. KOHN: Pittsburgh has offered back in
9 November of last year and again in April of this year to
10 provide the PSC with the status database with the patient
11 information redacted, and that offer was rejected. So if
12 you're willing to accept the status database with the
13 redactions, they will do that.

14 MR. ANGSTREICH: It is not my understanding that
15 they ever agreed to redact patient names and give it to us
16 in the same format with simply the names redacted.

17 MR. KOHN: I can send you a letter where they
18 specifically offered that on two occasions.

19 MR. ANGSTREICH: Okay. I would like to know why
20 Dr. Grunkemeier got the entire database without the patient
21 names redacted.

22 MR. KOHN: All I can say about that is,
23 Dr. Grunkemeier was the author of the AVERT protocol.

24 MR. ANGSTREICH: So what.

25 MR. KOHN: Excuse me. He has been working with

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1 the AVERT investigators for five years. He has had
2 constant access to the database, and he is basically viewed
3 as part of the AVERT family. So there was never any issue
4 about redactions. They did not view that as a public
5 disclosure.

6 Now, if you want to take issue with the fact that
7 they gave him the data set, that still doesn't waive the
8 privacy rights of the patients involved, and I think he's
9 obligated under HIPA and under this statute not to produce
10 it without doing the redactions.

11 MR. ANGSTREICH: But he's an expert.

12 MR. KOHN: No, he's not an expert. He's not our
13 expert. He never has been.

14 MR. ANGSTREICH: So he's not an expert, and he is
15 no longer working for AVERT, but he has gotten disclosure
16 of all of the information?

17 MR. KOHN: Well, he has been working for AVERT,
18 and he continues to consult with AVERT from time to time.

19 MR. ANGSTREICH: St. Jude Medical owns the data.
20 It's your data.

21 THE COURT: Can we try a production with the
22 redactions done and then see if we have a problem after
23 that?

24 MR. ANGSTREICH: We can do that, Your Honor. I
25 just don't want anybody to say that the PSC has to pay the

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1 time to get the information redacted.

2 MR. KOHN: Well, I can't represent that. Your
3 Honor, I have not been part of the discussions that the PSC
4 has had with the University of Pittsburgh and their
5 counsel, and I don't know what expense is involved. All I
6 can say is, I will have to get back to them, and the PSC
7 should get back to them.

8 If there is some significant cost with doing
9 these redactions, I think that's something we're going to
10 have to sort out, but sitting here right now, I have no
11 idea what that cost is.

12 MR. ANGSTREICH: My problem is that these are
13 documents, this is information that St. Jude Medical owns,
14 and St. Jude Medical is under an obligation to provide it.
15 You've asked us to go through the University of Pittsburgh
16 for whatever reason because it's easier, and it's months
17 and months and months, and we haven't gotten the material.

18 MR. KOHN: You were offered the material in
19 November of last year with redactions, and so far no one
20 has said send it. So you would have had it a long time if
21 you would agree to accept it with the redactions.

22 THE COURT: Whichever way it goes to the
23 plaintiffs, either from St. Jude or from the University of
24 Pittsburgh, let's try it with the redactions that you feel
25 are necessary under the two statutes, and then we will

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1 retake up the issue at that point in time if the plaintiffs
2 think that that is insufficient.

3 MR. ANGSTREICH: Very good, Your Honor.

4 MR. KOHN: Okay.

5 MR. ANGSTREICH: Could we get a time frame on
6 when we can get the material because we have one deposition
7 that we are not going to schedule until we have those
8 documents.

9 THE COURT: What do you think, Mr. Kohn, two
10 weeks?

11 MR. KOHN: I honestly don't know, Your Honor --

12 THE COURT: Okay.

13 MR. KOHN: -- how complicated it is to do it. I
14 am going to have to talk to the counsel at the University
15 and find out.

16 THE COURT: Well, let's just do it as soon as
17 possible and then just communicate what you think is
18 reasonable to Mr. Angstreich.

19 MR. KOHN: I will make my best efforts to move it
20 along as quickly as we can.

21 MR. ANGSTREICH: Very good.

22 MR. CAPRETZ: Okay. Your Honor, the next item is
23 the status of the Ramsey County and Canadian class actions.
24 We basically have spoken about Ramsey County. I don't have
25 anything more to add to that.

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1 In Canada, the primary class action is the one in
2 Ontario province. About a month ago they mailed out to
3 approximately 1100 patients class notice. I understand
4 some have opted out. Some have said they wanted to be in,
5 and some have not responded, and those counts aren't
6 reported to me, but that matter is moving along.

7 They have scheduled depositions for the three
8 weeks in October. Canada apparently -- excuse me -- has a
9 limitation on what you can do in the way of deposition
10 testimony, and, for example, with a corporate defendant,
11 you are only typically allowed one representative of the
12 corporation.

13 You can apply to the Court, and in a case like
14 this, they normally would allow additional depositions, but
15 in this case that is somewhat complex in the sense that
16 they have apparently reached an agreement, counsel have,
17 where they will be able to use for the most part the
18 depositions that have been taken and are being taken in the
19 MDL.

20 So they currently have one deposition, as I
21 understand it, of Mr. Flory. Al Flory is the corporate
22 representative, and then one representative from the
23 Canadian operation, an individual who was active at the
24 time the Silzone matter was at issue, and that's basically
25 a report on where the Canadian action is at this particular

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1 point in time.

2 THE COURT: The argument at the circuit, I didn't
3 follow that very closely. Which classes were argued there?
4 I'm just curious.

5 MR. CAPRETZ: Steve? Did we lose him? Hello?

6 MR. ANGSTREICH: Is Steve Kohn still there?

7 MR. KOHN: I am.

8 MR. ANGSTREICH: Okay. Isn't that who you asked
9 the question to?

10 MR. KOHN: I thought he asked you, Steve.

11 MR. CAPRETZ: Steve Angstreich.

12 MR. ANGSTREICH: I'm sorry. I must have dosed
13 off. What was the question?

14 THE COURT: I'm just curious. I haven't followed
15 closely what is going on at the circuit, and I was just
16 interested in which classes were the subject of the
17 argument?

18 MR. ANGSTREICH: Oh. The Eighth Circuit
19 argument?

20 THE COURT: Yes.

21 MR. ANGSTREICH: Okay. The medical monitoring
22 class and the products liability class, both of them.

23 MR. RUDD: The consumer fraud class.

24 THE COURT: The consumer fraud and the medical
25 monitoring?

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1 MR. ANGSTREICH: Right. The nationwide Minnesota
2 consumer fraud class and the 17 states in the medical
3 monitoring class.

4 THE COURT: Okay.

5 MR. ANGSTREICH: Both of them were challenged.

6 THE COURT: Okay.

7 MR. ANGSTREICH: Different bases, but both of
8 them were challenged.

9 THE COURT: Okay. That was argued on the 20th of
10 June, you say?

11 MR. ANGSTREICH: Yes.

12 THE COURT: Okay. Anything else we need to talk
13 about today?

14 MR. ANGSTREICH: Yes, Your Honor. I just want to
15 make certain that Your Honor got the message relating to
16 Mr. Savio's case?

17 THE COURT: Yes.

18 MR. ANGSTREICH: Apparently because it settled
19 and because the case in New Jersey has been terminated, the
20 only place that there is a docket that he can bring this
21 motion is the MDL docket, and he has been trying to resolve
22 the issue. The money has been set aside, but there seems
23 to be a dispute that they want every amount dispersed by
24 them for the client, for his client, regardless of whether
25 it related to the Silzone valve.

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1 And he is offering to pay them a different sum of
2 money, but they won't communicate. They won't respond.
3 They never responded to the motion. So his hope was that
4 if Your Honor scheduled a date certain for an argument and
5 he passed that to them that they might then actually either
6 talk to him or show up and get it resolved.

7 THE COURT: Well, the argument is between him and
8 Medicare?

9 MR. ANGSTREICH: Yes.

10 THE COURT: But Medicare is not a party here.

11 MR. ANGSTREICH: Medicare is not a party. He
12 didn't know whether or not you can compel them to appear or
13 whether he has to initiate his own action, a dec action,
14 but if Your Honor says he should initiate a dec action,
15 then he will have to do that in New Jersey.

16 THE COURT: I think that's probably the best way
17 to proceed. I'm not sure that I could get Medicare into
18 here given the particular authority that I have. At least
19 that's my initial thinking on it.

20 MR. ANGSTREICH: Well, Your Honor, I agree with
21 that approach, and I've had that discussion with him. I am
22 aware of a case out of the federal court in New Jersey
23 where someone attempted to do that, entered an order which
24 limited the recovery. Unfortunately, the client was then
25 sued by Medicare and was found to owe the entire amount.

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1 The order was not binding even by way of a motion
2 served on them, and then the lawyer got sued for the
3 difference.

4 MR. CAPRETZ: Your Honor, I might add that I
5 would encourage and support that decision because if
6 Medicare is brought into this litigation, it's going to
7 open a whole other vista because what we have found in
8 other circumstances, they then want to know about all the
9 cases and cases that have been settled and whether Medicare
10 has been paid, and it could be a -- it could be a huge
11 issue for us.

12 THE COURT: I think we should have relayed to him
13 that he should bring a separate action to get that
14 resolved.

15 MR. ANGSTREICH: I will do that, Your Honor.

16 THE COURT: Okay. Very well.

17 MR. CAPRETZ: The only other issue, Your Honor,
18 that we're aware of is the need to set a next status
19 conference.

20 THE COURT: Yeah. Do we have a need to meet in
21 person next time, or should we do another telephone status
22 conference while we're waiting for the circuit?

23 MR. KOHN: Well, did you intend on doing it next
24 month or September?

25 THE COURT: I was looking at somewhere around the

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1 1st of September.

2 MR. RUDD: I would think telephone, Your Honor.

3 THE COURT: Depending on the ruling, then we may
4 need to get together right away.

5 MR. CAPRETZ: Yes.

6 THE COURT: And as long as we have the ability to
7 set up a conference fairly quickly after that, let's look
8 at the next hearing as being at least for now scheduled as
9 a telephone conference. Okay?

10 MR. CAPRETZ: Yes.

11 MR. ANGSTREICH: Very good.

12 THE COURT: And how far, we could do it like
13 Wednesday the 7th of September or that time frame?

14 MR. ANGSTREICH: Your Honor, I have an en banc
15 argument in Pittsburgh on the 7th.

16 THE COURT: Okay. What day would work better
17 that week for you?

18 MR. KOHN: Is it possible to move it into the end
19 of the following week, Your Honor, because I'm going to be
20 out of the country that first week of September and part of
21 the second week.

22 THE COURT: We certainly can. That would put it
23 about two months out, but that's fine with me.

24 MR. ANGSTREICH: Would Friday the 16th work?

25 MR. KOHN: That's fine.

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1 MR. CAPRETZ: Clear here.

2 MR. STANLEY: Good for me.

3 THE COURT: The same time on that day?

4 MR. CAPRETZ: That's fine, Your Honor.

5 THE COURT: That would be 10:30 central.

6 MR. KOHN: That's good.

7 THE COURT: Let's do 10:30 central time on the
8 16th of September, and if we need to have anything in the
9 meantime since this is a couple of months out, either side
10 wishes to have a telephone conference or an in court
11 hearing, just let us know, and we will set it up.

12 MR. CAPRETZ: Thank you, Your Honor.

13 MS. VAN STEENBURGH: Thank you.

14 MR. ANGSTREICH: Very good. Thank you, Your
15 Honor.

16 * * *

17 I, Kristine Mousseau, certify that the foregoing
18 is a correct transcript from the record of proceedings in
19 the above-entitled matter.

20

21

22

23 Certified by:

Kristine Mousseau, CRR-RPR

24

Dated: August 5, 2005

25

KRISTINE MOUSSEAU, CRR-RPR

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