

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re Viagra Products Liability Litigation

Case No. 06-md-1724

This Order Relates to **ALL ACTIONS**

**ORDER APPOINTING
SPECIAL MASTER**

A court may appoint a special master to perform duties consented to by the parties. See Fed. R. Civ. P. 53(a)(1)(A). In this multi-district litigation, the parties have consented to the appointment of a special master to supervise depositions wherever they may be taken and to act as a mediator in any settlement discussions that may occur. Accordingly, **IT IS ORDERED** that:

John W. Borg is appointed under Federal Rule of Civil Procedure 53 as a special master in this multi-district litigation. He will receive correspondence at the following address: 6612 Limerick Drive in Edina, Minnesota 55439. He can be reached by telephone at (952) 944-3759, by facsimile at (952) 944-3864, and by email at jwborg@aol.com.

1. Special Master Borg shall proceed with all reasonable diligence and shall have all the powers set forth in Federal Rule of Civil Procedure 53(c). As such, he may adopt any procedures that are consistent with Rule 53 and orders of the Court, including but not limited to, ruling on objections raised in depositions, determining the proper scope of the subject matter of depositions, and deciding on matters related to documents used in depositions. He may also call meetings of the parties as deemed necessary to promote meaningful settlement discussions.

2. Special Master Borg will not act as an advocate, representative, fiduciary, or counsel for any party and has no formal coercive authority to make any binding decisions or recommendation or to compel the making of any agreement or the granting of any concession.
3. Special Master Borg shall be compensated at the rate of \$395.00 per hour. This fee shall be paid to the special master upon receipt of his invoice. The fee shall be borne by the mutual agreement of the parties. If the parties disagree on a payment issue, the Court shall determine the allocation of responsibility for the payment amongst the parties.
4. Failure to comply with any part of this Order shall subject the parties to appropriate sanctions to include assessment of costs against the delinquent party, dismissal, or other relief the Court may deem appropriate.

Dated: January 24, 2007

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge