

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MDL No. 01-1396 (JRT/FLN)

IN RE: ST. JUDE MEDICAL, INC.
SILZONE HEART VALVES
PRODUCTS LIABILITY LITIGATION

ORDER

J. Gordon Rudd, Jr. and Charles S. Zimmerman, ZIMMERMAN REED, P.L.L.P., 651 Nicollet Mall, Suite 501, Minneapolis, MN 55402; Steven E. Angstreich, Michael Coren, and Carolyn Lindheim, LEVY, ANGSTREICH, FINNEY, BALDANTE, RUBENSTEIN & COREN, P.C., Woodcrest Pavilion, Suite 100, 10 Melrose Avenue, Cherry Hill, NJ 08003; James T. Capretz, CAPRETZ & ASSOC., 5000 Birch Street, Suite 2500, West Tower, Newport Beach, CA 92660; Joe D. Jacobson, GREEN, SCHAAF & JACOBSON, P.C., 7733 Forsyth, Suite 700, St. Louis, MO 63105; and Patrick Murphy, BOCHANIS AND MURPHY LEGAL ASSOCIATES, 1701 West Charleston Boulevard, Suite 550, Las Vegas, NV 89102, for plaintiffs.

Tracy J. Van Steenburgh, HALLELAND, LEWIS, NILAN, SIPKINS & JOHNSON, 600 Pillsbury Center South, 220 South Sixth Street, Minneapolis, MN 55402; James C. Martin and David E. Stanley, REED SMITH CROSBY HEAFEY LLP, 355 South Grand Avenue, Suite 2900, Los Angeles, CA 90071; Steven M. Kohn, REED SMITH CROSBY HEAFEY LLP, 1999 Harrison Street, Oakland, CA 94612, for defendant.

The Court previously reviewed the parties' submissions concerning plaintiffs' request to compel production of specific documents on defendant's privilege log. The Court issued an Order dated August 29, 2003, in which the Court provided the parties with its ruling on the specific documents. Defendant requested clarification of the Court's August 29th Order. The Court will clarify the Order as follows: Where the Court classified an item as "Release" the Court found that neither the work-product nor attorney

FILED _____
RICHARD D. SLETTEN, CLERK
JUDGMENT ENTD. _____
DEPUTY CLERK _____

client privilege was applicable. Where the Court classified a particular item as “Confidential”, the Court accepted defendant’s argument regarding why the particular document was subject to privilege.

The Court also notes three documents that were initially improperly classified as release, and are properly classified as **CONFIDENTIAL**. These documents include SJM 0930209470-72 (found at Court Tab M4); SJM 3300669076-77 (Court Tab J2); and SJM 0910204111-14 (Court Tab J2).

The parties have indicated that there is a possibility there might be additional disputes regarding privilege documents. The Court, by separate order and with the parties’ consent, has appointed a special master to address such future disputes.

Therefore it is hereby **ORDERED** that the August 29, 2003 Order [Docket No. 233] is **AMENDED** to reflect the following three changes:

DOCUMENT NUMBER	DATE	COURT’S RULING
0910204111-14	11/15/99	Release CONFIDENTIAL
3300669076-77	01/18/00	Release CONFIDENTIAL
0930209470-72	07/06/00	Release CONFIDENTIAL

In all other respects the August 29, 2003 Order remains unchanged.

DATED: December 18, 2003
Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge