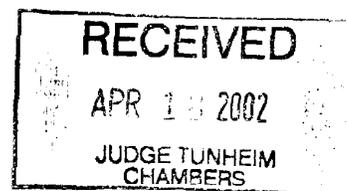


UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA



IN RE ST. JUDE MEDICAL, INC., :  
SILZONE HEART VALVES PRODUCTS :  
LIABILITY LITIGATION : MDL DOCKET NO. 1396

**REPORT OF THE PLAINTIFFS' STATE LIAISON COUNSEL**

1. **FORMATION**

On March 19, 2002, the Court took notice of the formation of the Plaintiffs' State Liaison Committee and the appointment of Patrick J. Murphy, Esq. of Bochanis and Murphy Legal Associates as Plaintiffs' State Liaison Counsel. At that time, the Court requested that the State Liaison Counsel prepare a report concerning the role and responsibilities of the State Liaison Counsel and advise the Court on contacting the state courts handling related litigation.

2. **ROLE AND RESPONSIBILITIES**

The role and responsibilities of Plaintiffs' State Liaison Counsel and Committee may include, without limitation, the following:

a. **Identify all state court actions**

The Plaintiffs' State Liaison Committee will attempt to identify all filed and pending state court actions involving the St. Jude Medical Silzone® coated heart valve. The committee will identify the plaintiffs in each action, plaintiff's counsel, jurisdiction the action was filed or will be filed, and the judge who is presiding over the action. The committee will maintain a comprehensive and updated list of all state court actions.

**b. Identify all state court actions that have been transferred to federal court.**

The Plaintiffs' State Liaison Committee will attempt to identify all filed state court actions involving the St. Jude Medical Silzone® coated heart valve that have been transferred to federal court. The committee will identify the plaintiffs in each action, plaintiff's counsel, jurisdiction in which the action was filed or will be filed, and the judge who is presiding over the action. The committee will maintain a comprehensive and updated list of all state court actions that have been transferred to federal court.

**c. Coordinate discovery with the state court actions.**

The Plaintiffs' State Liaison Committee will assist and coordinate the discovery process with the plaintiffs' counsel in all state actions. The Committee will attempt to coordinate depositions, production of documents, and other discovery matters, whenever appropriate. The Committee will facilitate the avoidance of any unnecessarily duplicative discovery efforts between MDL 1396 and any state court actions.

**d. Advise the state court actions of the MDL proceedings.**

The Plaintiffs' State Liaison Committee will make a reasonable effort to ensure that plaintiffs' counsel in the state court actions are kept apprised of the course of MDL 1396 proceedings. Particularly, the Committee will be in continual contact with plaintiffs' counsel to inform them of any motions or hearings before the court, results of the discovery efforts, the general

status of the MDL, and any other relevant issues or information brought before the MDL.

**e. Communications with the state actions**

The Plaintiffs' State Liaison Counsel will be the communicative link between the MDL and the counsel in the state court actions or counsel of any cases transferred to federal court from state court. State Liaison Counsel will be available to consult and answer any questions counsel in the state court actions or counsel of any cases transferred to federal court from state court may have regarding the MDL and its proceedings. The Committee will also coordinate any necessary telephone conferences, meetings and discovery efforts with the state court actions.

**f. Communications with the Plaintiffs' Leadership Committee.**

The Plaintiffs' State Liaison Committee will maintain and distribute to Plaintiffs' Leadership Committee an up-to-date comprehensive list of all state court actions. This list will include the name of the state court action, name and address of plaintiffs' counsel, jurisdiction in which the claim has been filed, and the status of the claim. State Liaison Counsel will also consult with Plaintiffs' Leadership Committee regarding any questions or concerns they may have concerning state court actions.

**g. Coordination of Common Benefit Fund Agreements**

Plaintiffs' State Liaison Counsel will participate in the drafting and conclusion of agreements with plaintiffs' counsel in state court actions concerning MDL litigation expense fund assessments.

**3. COMMUNICATIONS BETWEEN THE MDL COURT AND STATE COURTS**

State court actions involving the St. Jude Medical Silzone® coated heart valve are numerous and dispersed across the country. Currently, we are aware of seventy-eight (78) Silzone® related state actions that have been filed or are pending in eight (8) different states. However, there is a strong concentration of Silzone® related state court actions in Texas and Minnesota. We are aware of fifty-one (51) pending state actions in Texas and twenty (20) in Minnesota. The other state court actions are pending in California, Illinois, Nevada, Ohio, Tennessee and South Carolina.

It would seem appropriate for the federal court to establish some type of communication with the state courts involved in Silzone® litigation, even if only to apprise them of the pendency and status of MDL 1396. However, such communication may also be effective to encourage state court judges to coordinate the discovery efforts of their state court actions with MDL 1396 and to establish a line of communication for cases within their state. This may help facilitate the just, speedy and inexpensive resolution of this litigation for both the federal and state courts. Such communication "can lead to innovative and effective methods

for the management and disposition of the litigation.” *Manual for Complex Litigation (Third)*, Paragraph 33.23.

It would seem to be particularly appropriate to establish a line of communication with the state courts that are handling numerous Silzone® cases, such as Texas and Minnesota. As stated in the *Manual for Complex Litigation (Third)* Paragraph 31.31, there is a “need for an information network that could form the basis for voluntary coordinated action by state court judges to the extent feasible under and consistent with their rules and procedures.” The federal court could operate as the medium for the development of such a network that could lead to the coordination of many different aspects of the state and federal litigation.

4. **COMMUNICATION BETWEEN PLAINTIFFS’ STATE LIAISON COUNSEL AND PLAINTIFFS’ STATE COURT COUNSEL**

Plaintiffs’ State Liaison Committee intends to conduct several telephone conferences and meetings with attorneys involved in the various Silzone® state court actions primarily to do the following:

1. inform them of the status of the MDL,
2. discuss the status of their state action,
3. discuss ongoing discovery efforts, and
4. to address any questions or concerns that they may have regarding MDL 1396.

This communication will be continual through out the MDL proceedings and will assist in any coordination efforts proposed by the Court.

DATED: 4/18/02

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With permission by:

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