

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re Medtronic, Inc. Sprint Fidelis  
Leads Products Liability Litigation,

This document relates to:  
ALL CASES

Multidistrict Litigation  
No. 08-1905 (RHK/JSM)  
**ORDER TO SHOW CAUSE**

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By Order issued simultaneously herewith, the Court has determined that all of the claims asserted in the Master Consolidated Complaint for Individuals are preempted under 21 U.S.C. § 360k(a). The Court has further concluded that each of those claims should be dismissed with prejudice and without leave to replead.

While the aforementioned ruling concerns only the claims asserted in the Master Consolidated Complaint for Individuals, the Court believes that its ruling – which is now law of the case – bars all of the claims asserted in each of the cases comprising this multidistrict litigation, rendering those claims subject to dismissal and the entry of judgment against the Plaintiffs appropriate. Nevertheless, there are hundreds of individual cases in this litigation and the Court does not profess to be intimately familiar with the allegations made in each of them. It is possible, therefore, that at least some claims currently alleged are beyond the reach of the Court's preemption ruling.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** as follows:

1. Plaintiffs shall show cause in writing, on or before January 27, 2009, why

the Court should not dismiss the claims alleged in each and every case comprising this multidistrict litigation. Specifically, Plaintiffs should identify in their submission (1) the particular case name(s) and number(s), (2) the particular claims they believe survive the Court's preemption analysis, and (3) a *short* explanation why that is the case, *i.e.*, an explanation why those claims differ from the (dismissed) claims in the Master Consolidated Complaint for Individuals. ***Plaintiffs shall not reargue the merits of the Motion to Dismiss or the preemption issues decided in the Court's simultaneously issued Order. Failure to comply with this directive may result in the imposition of sanctions;***

2. Medtronic shall serve and file a response to Plaintiffs' submission, in writing, on or before February 10, 2009;

3. Plaintiffs may serve and file a *short* Reply on or before February 20, 2009;  
and

4. If the Court deems it advisable to hold a hearing concerning the foregoing, it will advise the parties at a later date. However, it is currently the Court's intention to hold such a hearing, if any, on either March 5 or March 6, 2009.

Dated: January 5, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge