UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re:
MEDTRONIC, INC.,
SPRINT FIDELIS LEADS
PRODUCTS LIABILITY LITIGATION

AMENDED ORDER TO SHOW CAUSE

This document relates to:

ALL CASES

Multidistrict Litigation
No. 08-1905 (RHK/JSM)

On January 5, 2009, this Court entered an Order dismissing Plaintiffs' Master Consolidated Complaint for Individuals and the Plaintiffs' Master Consolidated Complaint for Third Party Payors. While the aforementioned ruling concerns only the claims asserted in the Master Consolidated Complaint for Individuals and the Master Consolidated Complaint for Third-Party Payors, 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. No final order of dismissal or entry of judgment has yet been entered against Plaintiffs in any individual case in this MDL.

On January 5, 2009, the Court also entered an Order to Show Cause applicable to all individual cases pending and all cases subsequently filed in or transferred to this MDL and, after further consideration and in consultation with the parties, the Court hereby amends and clarifies that Order as follows:

1. The order of dismissal dated January 5, 2009 or any final judgment shall not be entered in any individual or third-party payor case within this MDL until further order of the Court.

2. Each of the dates set forth in the January 5 Order to Show Cause shall be extended such that:

a. Plaintiffs shall show cause in writing, on or before March 13, 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. ***The Plaintiffs shall not reargue the merits of the Motion to Dismiss or the preemption issues decided in the Court's January 5, 2009 Order. Failure to comply with this directive may result in the imposition of sanctions;***

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

c. Plaintiffs may serve and file a *short* Reply on or before April 24, 2009; and

d. If the Court deems it advisable to hold a hearing concerning the foregoing, it will advise the parties at a later date.

3. The Court will consider any further amendments to the schedule set forth in this Order, if any, at the next status conference set for January 28, 2009 at 9:30 a.m.

4. For any cases filed in or subsequently transferred to this MDL after March 1, 2009, Plaintiffs shall have 30 days from the date of filing or transfer to submit a statement pursuant to ¶ 2(a) above. Unless otherwise ordered by the Court, the briefing schedule for any subsequent filings or transfers after March 1, 2009 shall require Medtronic to serve and file a response to any Plaintiffs' submission within 14 days of Plaintiffs' submission in response to this Order to Show Cause (or on April 10, 2009, if that date is later). Plaintiffs may serve and file a *short* Reply within 10 days of the filing Medtronic's response (or on April 24, 2009, if that date is later). As noted above, if the Court deems it advisable to hold a hearing as to such filings, it will advise the parties at a later date.

5. If any plaintiff fails timely to file a submission as required by this order, the court may enter an order dismissing that plaintiff's individual case with prejudice.

DATED: 1/09/09

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