

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

CIVIL DIVISION

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In Re Minnesota State Court Guidant Corp.  
Implantable Defibrillators Product Liability  
Litigation.

**ORDER 6**

Court File No.: 62-C4-06-006672

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**SCHEDULING ORDER**

This court, having in mind the stipulations of the parties and, as to any disputed issue, the arguments of counsel, the applicable law, and all files and records herein, issues the following scheduling order.

IT IS ORDERED:

1. **Plaintiffs' Liaison Counsel.** Plaintiffs' Liaison Counsel are:

Gale D. Pearson  
PEARSON, RANDALL & SCHUMACHER, PA  
1012 Grain Exchange Building  
400 South 4<sup>th</sup> Street  
Minneapolis, MN 55415  
TELEPHONE: 612-332-0351  
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[attorneys@outtech.com](mailto:attorneys@outtech.com)

and

Timothy E. Branson  
DORSEY & WHITNEY, LLP  
50 South Sixth Street  
Suite 1500  
Minneapolis, Minnesota 55402  
TELEPHONE: 612-343-7920  
FACSIMILE: 612-340-8856  
[branson.tim@dorsey.com](mailto:branson.tim@dorsey.com)

to serve as Plaintiffs' Liaison Counsel for the personal injury and third party payer cases.

Plaintiffs' Liaison Counsel shall:

- a. **Service list:** Maintain and distribute to co-counsel, other Plaintiffs' Counsel, and Defendants' Liaison Counsel an up-to-date service list;
- b. **Accept service:** Receive and distribute to co-counsel and other Plaintiffs' Counsel Orders from the Court and documents from opposing parties and counsel; and,
- c. **Case file:** Maintain and make available to co-counsel and other Plaintiffs' counsel a complete file of all documents served by or upon each party. Plaintiffs' Liaison Counsel will be compensated as agreed by all Plaintiffs' Counsel.

2. **Defendants' Liaison Counsel.** Defendants' Liaison Counsel are:

Timothy A. Pratt, Esquire  
SHOOK, HARDY & BACON, LLP  
2555 Grand Boulevard  
Kansas City, Missouri 64108  
TELEPHONE: 816-474-6550  
FACSIMILE: 816-421-5547  
[tpratt@shb.com](mailto:tpratt@shb.com)

and

Joseph M. Price, Esquire  
FAEGRE & BENSON  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, Minnesota 55402  
TELEPHONE: 612-766-7000  
FACSIMILE: 612-766-1600  
[jprice@faegre.com](mailto:jprice@faegre.com)

3. **Service of orders.** A copy of each Order will be provided to Plaintiffs' and Defendants' Liaison Counsel for distribution to other counsel and parties. Service of an Order on Plaintiffs' and Defendants' Liaison Counsel is effective service upon all counsel and parties, and it remains the responsibility of Liaison Counsel to affect that service.

4. **Time to answer complaint.** Defendants shall answer or otherwise respond to each Plaintiffs' Complaint within the time provided by law or as otherwise extended by agreement with each individual Plaintiffs' counsel. By agreement, answers or other responsive pleadings to complaints already served shall be served no later than 45 days after the entry of this order (excluding answers or other responsive pleadings to the third party payer complaints).

5. **Defendants' responses to discovery.**

a. Within sixty (60) days of the date of this Order, Defendants shall respond to Plaintiffs' discovery requests that were served prior to the date of this order.

b. The parties shall respond to discovery requests that were served on or after the date of this Order within the time prescribed by the Minnesota Rules of Civil Procedure, or as otherwise agreed to by the parties and consistent with the other Orders of this Court.

c. Within thirty (30) days of the date of this Order, Defendants shall serve upon Plaintiffs' Liaison Counsel all discovery that was produced by Defendants in the federal Multi-District Litigation (MDL) prior to the date of this Order. Plaintiffs shall pay Defendants the reasonable cost of providing the discovery.

d. Defendants shall serve upon Plaintiffs' Liaison Counsel all discovery that is produced by Defendants in the MDL on or after the date of this Order when the discovery is served in the MDL. Plaintiffs shall pay Defendants the reasonable cost of providing the discovery.

6. **Future scheduling.** The parties shall submit the following to the Court by November 29, 2006:

a. An inventory of cases subject to this litigation, which is organized according to categories of products, theories of liability, damages (e.g., personal injury, wrongful death, economic loss, etc.), defenses to liability, and/or other meaningful category.

b. Informational statements that contain requests for scheduling deadlines, distinguishing, if necessary, between general issues of liability and case-specific claims and defenses. *See generally*, Rule 111.02, Minnesota General Rule of Practice – District Courts.

c. A proposal regarding the order in which trials of individual cases shall occur, if not previously submitted.

This court will use the information to prepare additional scheduling orders, and to facilitate further discussions regarding scheduling at the status conference on November 29, 2006, at 1:30 p.m.

7. **Pro hac vice representation.** Attorneys not licensed to practice in the State of Minnesota shall comply with Minn. Stat. § 481.02, subd. 6, in seeking admission before this Court *pro hac vice*, and thereupon comply with Rule 5 of the Minnesota Rules of Practice – District Courts. Once an attorney has been admitted *pro hac vice* in a case subject to this litigation, the attorney shall be deemed to be admitted when retained on any other case subject to this litigation, provided the attorney files and serves a certificate of representation on each such case.

Dated: October 30, 2006

  
William H. Leary III  
District Court Judge