

STATE OF MINNESOTA

IN SUPREME COURT

A06-1022

OFFICE OF  
APPELLATE COURTS

JUN 14 2006

**FILED**

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

**ORDER**

Guidant Corporation, Guidant Sales Corporation, and Cardiac Pacemakers, Inc. (movants) have filed a motion under Minn. R. Gen. Prac. 113.03 for consolidation before a single judge of ten cases (listed in Addendum) pending in the Second and Fourth Judicial Districts. Movants are each defendants in some or all of the cases. They state that all of the actions involve allegations related to Guidant's implantable defibrillator devices, assert similar legal theories,<sup>1</sup> and seek similar types of damages from the same or related defendants. Accordingly, movants argue, consolidation before a single judge will promote judicial economy and preserve resources. Movants state that the federal Judicial Panel on Multidistrict Litigation has consolidated over 260 similar federal court lawsuits before the Honorable Donovan Frank, Judge of United States District Court for the District of Minnesota. Finally, movants assert that additional similar cases may be brought in the Minnesota state courts. The plaintiffs who have responded to the motion join in the request for assignment to a single judge.

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<sup>1</sup> Claims common to the ten pending cases are strict liability, negligence, breach of express and implied warranties, fraud, consumer fraud, and unlawful trade practices.

The interests of the parties and the judiciary will be furthered by assignment of the ten pending cases, and any similar cases brought in the future, to a single judge, to eliminate duplicative litigation in different districts, prevent inconsistent rulings, conserve the resources of the parties, their counsel and the judiciary, and facilitate coordination and cooperation with the federal MDL proceeding. A decision regarding consolidation of the cases for disposition on motion or at trial is left to the discretion of the assigned judge.

Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that, pursuant to Minn. Stat. §§ 480.16 and 2.724 (2004) and Minn. R. Gen. Prac. 113.03, the Honorable William H. Leary III, of the Second Judicial District, having consented, be appointed to hear and decide all matters, including pretrial and trial proceedings, in the cases involving Guidant's implantable defibrillator devices currently pending in the Minnesota state district courts and any similar actions involving Guidant's implantable defibrillator devices filed in Minnesota state courts in the future. To facilitate the identification and management of these cases, all documents served and filed after the date of this order shall, in addition to the individual case title and file number, bear the general case caption "In re Minnesota State Court Guidant Corp. Implantable Defibrillators Product Liability Litigation."

Dated: June 13, 2006



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Russell A. Anderson  
Chief Justice

ADDENDUM

Pending Cases:

*Kathleen Gohde v. Cardiac Pacemakers Inc. and Guidant Corp.*

Court File No. 62-C3-05-012503 – Ramsey County District Court

*Joseph LaVecchia v. Cardiac Pacemakers Inc., et al.*

No Court File No. – Ramsey County District Court

*Harold Tompkins v. Guidant Corp., et al.*

No. Court File No. – Ramsey County District Court

*Peter Wislocki v. Guidant Corp., et al.*

Court File No. 62-CX-05-011624 – Ramsey County District Court

*Betty Blanton v. Guidant Corp., et al.*

Court File No. 27-CV-06-2787 – Hennepin County District Court

*Shirley Burgess v. Guidant Corp., et al.*

Court File No. 27-CV-06-2782 – Hennepin County District Court

*Marie M. Diamond v. Guidant Corp., et al.*

Court File No. 27-CV-06-9937 – Hennepin County District Court

*Patricia Machalowski v. Guidant Corp., et al.*

Court File No. 27-CV-06-559 – Hennepin County District Court

*Amber Montgomery v. Guidant Corp., et al.*

Court File No. 27-CV-06-6612 – Hennepin County District Court

*Susan Smith v. Guidant Corp., et al.*

Court File No. 27-CV-06-7007 – Hennepin County District Court