

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Case No. 08-cv-02048-REB-KLM

(Consolidated with Civil Action Nos. 08-cv-02055-REB-KLM, 08-cv-02078-REB-KLM, 08-cv-02267-REB-KLM, 08-cv-02420-REB-KLM, and 08-cv-02603-REB-KLM)

In re SPECTRANETICS CORPORATION SECURITIES LITIGATION

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**ORDER RE: MOTIONS FOR CLASS CERTIFICATION**

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**Blackburn, J.**

This matter is before the court *sua sponte*. In this putative class action, the court recognizes the requirement under Fed.R.Civ.P. 23(c)(1)(A) to determine whether to certify a class before the case properly can proceed to resolution by summary judgment, trial, or otherwise. Therefore, I establish the following briefing schedule to govern resolution of this and related matters.

**IT IS ORDERED** as follows:

1. That no later than thirty (30) days after the first answer or other response, e.g., motion to dismiss, etc., to the complaint is filed by a defendant in this case, the plaintiff(s) **SHALL FILE** a motion for class certification under Fed.R.Civ.P. 23 (a) that addresses, *inter alia*, (i) the prerequisites at Fed.R.Civ.P. 23(a)(1)-(4), and (ii) the matters at Fed.R.Civ.P. 23(b); (b) that defines the proposed class; and (c) that requests the appointment of class counsel;
2. That the deadlines for filing response and reply briefs **SHALL BE AS PRESCRIBED** under D.C.COLO.LCivR 7.1C;

3. That an applicant for class counsel **SHALL ADDRESS** the matters at Fed.R.Civ.P. 23(g)(1)(A)(i)-(iv) and any other matter pertinent to the applicant's ability to fairly and adequately represent the interests of the proposed class;

4. That based on the parties' submissions, the court **WILL RULE** on the papers, order further briefing, convene an evidentiary hearing, or take such further action as the court in its discretion deems proper and necessary; and

5. That the entry of this order supersedes and supplants all prior briefing on the issues of appointment of lead plaintiff and lead plaintiff's counsel, and accordingly, the following motions are **DENIED WITHOUT PREJUDICE**:

a. **Motion of The Spectranetics Investor Group To Consolidate Related Actions; To Be Appointed Lead Plaintiff; and To Approve Proposed Lead Plaintiff's Choice of Counsel** [#19] filed November 24, 2008, in *Donoghue v. The Spectranetics Corporation et al.*, Civil Action No. 08-cv-02055-CMA-CBS;

b. **Motion of The Spectranetics Investor Group To Consolidate Related Actions; To Be Appointed Lead Plaintiff; and To Approve Proposed Lead Plaintiff's Choice of Counsel** [#7] filed November 24, 2008, in *Posner v. The Spectranetics Corporation*, Civil Action No. 08-cv-02420-PAB;

c. **Motion of The Spectranetics Investor Group To Consolidate Related Actions; To Be Appointed Lead Plaintiff; and To Approve Proposed Lead Plaintiff's Choice of Counsel** [#7] filed November 24, 2008, in *Hancock v. The Spectranetics Corporation*, Civil Action No. 08-cv-02048-REB-KLM;

d. **Robert Dyer's Motion To Consolidate Related Cases, For Appointment as Lead Plaintiff and To Approve His Selection of Lead Counsel** [#16] filed

November 24, 2008, in ***Hancock v. The Spectranetics Corporation***, Civil Action No. 08-cv-2048-REB-KLM;

**e. Ted Karkus's Motion for Consolidation of Related Actions, Appointment of Lead Plaintiff and Approval of Selection of Co-Lead Counsel** [#18] filed

November 24, 2008, in ***Hancock v. The Spectranetics Corporation***, Civil Action No. 08-cv-02048-REB-KLM; and

**f. Louis Lee Posner's Motion and Memorandum for Consolidation of Related Cases, Appointment of Lead Plaintiff and Selection of Counsel** [#6] filed November 24, 2008, in ***Posner v. Spectranetics Corporation***, Civil Action No. 08-cv-02420-PAB.

Dated May 13, 2009, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge