

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

Civil Action 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

ORDER WITHDRAWING ORDER ON MOTIONS FOR CLASS CERTIFICATION

Blackburn, J.

This matter is before me on **Proposed Lead Plaintiff Ted Karkus's Response to the Court's May 13, 2009 Order re: Motions for Class Certification** [#50]¹ filed May 14, 2009. I grant the relief sought in the response.

On May 13, 2009, I entered an order [#49] setting a deadline for filing a motion for class certification. As proposed lead plaintiff Ted Karkus (Plaintiff) notes in his response [#50] to my order, this action was brought under the Private Securities Litigation Reform Act of 1995 (PSLRA). The plaintiff notes further that the PSLRA provides specialized procedures for the appointment of a lead plaintiff. 15 U.S.C. § 78u-4(a)(3)(B)(i). Following the appointment of a lead plaintiff, the lead plaintiff shall select and retain counsel to represent the class, subject to the approval of the court. 15 U.S.C. § 78u-4(a)(3)(B)(v). This section is titled "Selection of lead counsel." Finally, the plaintiff notes correctly that the appointment of a lead plaintiff and the selection of lead counsel must be completed before a motion for class certification may be filed in a

¹ "[#50]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

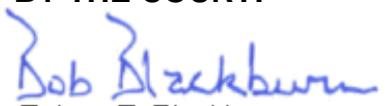
proposed class action asserting claims under the PSLRA.

Currently, there are pending in this case three competing motions for appointment as lead plaintiff and approval of the proposed lead plaintiff's selection of lead counsel: (1) **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; (2) **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; and (3) **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, 2006. The requests for consolidation expressed in these motions previously have been granted. The court will resolve these motions for appointment of lead plaintiff and approval of proposed lead plaintiff's choice of counsel in the near future and then will set, as necessary, any additional deadlines as appropriate under the PSLRA.

THEREFORE, IT IS ORDERED that my **Order re: Motions for Class Certification** [#49] filed May 13, 2009, is **VACATED** and **WITHDRAWN**.

Dated May 28, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge