

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

Case No. 08-cv-02102-REB-MJW  
(Consolidated with Civil Action No. 08-cv-02467-REB-MJW)

DOUGLAS A. KOPP, derivatively on behalf of Nominal Defendant The Spectranetics Corporation,

Plaintiff,

v.

EMILE J. GEISENHEIMER, ET AL,

Defendants,

and

THE SPECTRANETICS CORPORATION,

Nominal Defendant.

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Case No. 09-cv-00161-PAB-MJW

MARTIN and VIOLET CLARKE, derivatively on behalf of Nominal Defendant The Spectranetics Corporation,

Plaintiffs,

v.

JOHN SCHULTE, ET AL,

Defendants,

and

THE SPECTRANETICS CORPORATION,

Nominal Defendant.

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**ORDER GRANTING MOTION TO CONSOLIDATE AND STAY**

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**Blackburn, J.**

This matter is before me on **Nominal Defendant the Spectranetics Corporation's Unopposed Motion for Consolidation and Stay** [#24], filed February 5, 2009. Nominal defendant Spectranetics Corporation seeks to consolidate civil action No. 09-cv-00161-PAB-MJW with civil action No. 08-cv-02102-REB-MJW. The motion is unopposed, well taken, and granted.

Both civil action No. 09-cv-00161-PAB-MJW and civil action No. 08-cv-02102-REB-MJW concern shareholder derivative actions involving Spectranetics Corporation. Under Fed. R. Civ. P. 42(a), the court may consolidate cases involving common questions of law or fact. Common questions of law and fact are predominant in these two civil actions.

In an order [#19] entered November 24, 2008, civil action No. 08-cv-02102 was stayed pending resolution of motions to dismiss in related securities class action cases. Spectranetics asks that this stay order apply equally to the now consolidated civil action No. 09-cv-00161-PAB-MJW. That request is unopposed and is granted.

**THEREFORE, IT IS ORDERED** as follows:

1. That **Nominal Defendant the Spectranetics Corporation's Unopposed Motion for Consolidation and Stay** [#24] filed February 5, 2009, is **GRANTED**;

2. That under FED.R.CIV.P. 42(a)(2) and D.C.COLO.LCivR 42.1, Civil Action No. 09-cv-00161-PAB-MJW is **CONSOLIDATED** with Civil Action No. 08-cv-02102-REB-MJW for all purposes;

3. That with this consolidation, the order [#19] staying Civil Action No. 08-cv-

02102, filed November 24, 2008, **SHALL BE APPLICABLE** to Civil Action No. 09-cv-00161-PAB-MJW; and

3. That all future filings in these consolidated actions shall be captioned as follows:

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Civil Action No. 08-cv-02102-REB-MJW  
(Consolidated with Civil Action Nos. 08-cv-02467-REB-MJW, 09-cv-00161-REB-MJW)

DOUGLAS A. KOPPS, derivatively on behalf of Nominal Defendant the Spectranetics Corporation,

Plaintiff,

v.

EMILE J. GEISENHEIMER,  
DAVID G. BLACKBURN,  
R. JOHN FLETCHER,  
MARTIN T. HART,  
JOSEPH M. RUGGIO, M.D.,  
JOHN G. SCHULTE, and  
CRAIG M. WALKER, M.D.,

Defendants,

and


THE SPECTRANETICS CORPORATION,

Nominal Defendant;

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Dated February 6, 2009, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge