

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re Medtronic, Inc. Sprint Fidelis
Leads Products Liability Litigation,

This document relates to:
ALL CASES

Multidistrict Litigation
No. 08-1905 (RHK/JSM)
ORDER

This matter is before the Court on Plaintiffs' Motion for Leave to File a Revised Proposed Amended Master Consolidated Complaint for Individuals (Doc. No. 259).

By Order dated February 5, 2009, the Court granted Plaintiffs leave to file a Motion to Amend the Master Consolidated Complaint for Individuals ("MCC") in this multidistrict litigation. Plaintiffs were directed to file with their Motion a proposed amended MCC. Plaintiffs filed their Motion to Amend and proposed amended MCC on February 27, 2009. Medtronic's response to the Motion to Amend is due on or before March 20, 2009.

Plaintiffs now seek permission to revise their proposed amended MCC. They assert that they recently received additional documents from the Food and Drug Administration that provide further factual support for their claims. In addition, they seek to make clear that they are pleading claims consistent with the Supreme Court's decision last week in Wyeth v. Levine. For the reasons set forth previously when granting Plaintiffs leave to file a Motion to Amend, the Court believes that Plaintiffs should be allowed to add their newly discovered facts to their proposed amended MCC. Insofar as

Medtronic has not yet responded to Plaintiffs' Motion to Amend, no prejudice will result by allowing this revision. The Court will also modify the deadlines in its prior Order to afford Medtronic sufficient time to respond to the newly pleaded facts.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that Plaintiffs' Motion for Leave to File a Revised Proposed Amended Master Consolidated Complaint for Individuals (Doc. No. 259) is **GRANTED**. Plaintiffs shall file their revised proposed amended MCC, as well as a statement or other document noting the differences between it and the original MCC (Doc. No. 129), on or before March 13, 2009. The deadlines set forth in the Court's February 5, 2009 Order are modified as follows: (1) Medtronic may serve and file a Memorandum in Opposition to Plaintiffs' Motion to Amend, not to exceed 10 pages, on or before April 3, 2009, and (2) Plaintiffs may serve and file a Reply Memorandum in support of their Motion to Amend, not to exceed 5 pages, on or before April 10, 2009.

Dated: March 9, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge