

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA

Chambers of
DONOVAN W. FRANK
DISTRICT JUDGE

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January 30, 2007

BY ECF ONLY

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**Re: *King v. Guidant, et al.*, Civ. No. 06-1571 (DWF/AJB)
Garrison v. Guidant, et al., Civ. No. 06-680 (DWF/AJB)
Freire v. Guidant, et al., Civ. No. 06-3252 (DWF/AJB)
Bare v. Guidant, et al., Civ. No. 06-3253 (DWF/AJB)
Request for Setting a Death Case as a Representative Trial**

Dear Counsel:

I am in receipt of your January 23, 2007 request in the above-captioned matters, in which you ask the Court to set a death case as a representative trial. At the May 2, 2006 status conference, the parties agreed to select six bellwether cases, including one death case. But at the December 20th status conference, the Plaintiffs' Steering Committee, together with Guidant, agreed to remove a death case from the bellwether process. Given this agreement, I have set schedules for five bellwether trials. This decision is discussed in Pretrial Order No. 26, which can be found on the Court's website (www.mnd.uscourts.gov) and in Docket No. 1046 in MDL No. 05-1708 (DWF/AJB). In that Order, I reserved the right to set additional bellwether trials to my calendar, if I determine that additional trials would be instructive to the bellwether process.

Very truly yours,

s/Donovan W. Frank

DONOVAN W. FRANK
Judge of United States District Court

DWF:rlb