

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

*In re: Guidant Defibrillators  
Products Liability Litigation*

Court File No. 05-md-1708

This pleading applies to: \_\_\_\_\_ :

ALL ACTIONS

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**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
ON PLAINTIFF LEOPOLDO DURON, JR.'S CLAIMS  
BASED ON FEDERAL PREEMPTION**

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Defendants Guidant Corporation, Guidant Sales Corporation, and Cardiac Pacemakers, Inc., hereby move this Court for an Order awarding them summary judgment, or, in the alternative, partial summary judgment on all Counts asserted by Plaintiff Leopoldo Duron, Jr. as asserted in his original and/or adopted Amended Master Complaint on the grounds that those claims are either expressly or impliedly preempted by federal law. This motion is made pursuant to Federal Rule of Civil Procedure 56 and is based upon all the files, records and proceedings herein, including the accompanying memorandum of law, supporting affidavits, and any reply papers that may be filed in accordance with Local Rule 7.1.

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

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