

**A CERTIFIED TRUE COPY**

APR 24 2007

ATTEST  
 FOR THE JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

*Denise Margaret Stone*

JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

APR 24 2007

FILED  
 CLERK'S OFFICE

**CORRECTED****DOCKET NO. 1708****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE GUIDANT CORP. IMPLANTABLE DEFIBRILLATORS PRODUCTS LIABILITY LITIGATION***Irene Kocol, etc. v. Guidant Corp., et al., N.D. California, C.A. No. 5:06-6537***BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL, DAVID R. HANSEN AND ANTHONY J. SCIRICA,\* JUDGES OF THE PANEL****TRANSFER ORDER**

Before the Panel is a motion brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiff in this Northern District of California action. This plaintiff asks the Panel to vacate its order conditionally transferring the action to the District of Minnesota for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. Defendants Guidant Corp., Guidant Sales Corp., and Endovascular Technologies, Inc., oppose the motion to vacate and urge inclusion of this action in the MDL-1708 proceedings.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that this action involves common questions of fact with the actions in this litigation previously transferred to the District of Minnesota, and that transfer of this action to the District of Minnesota for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of this action is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the District of Minnesota was a proper Section 1407 forum for actions involving claims arising from alleged defects in implantable defibrillators and pacemakers manufactured by Guidant Corp. *See In re Guidant Corp. Implantable Defibrillators Products Liability Litigation*, 398 F.Supp.2d 1371 (J.P.M.L. 2005). Plaintiff's motion for remand to state court can be presented to and decided by the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

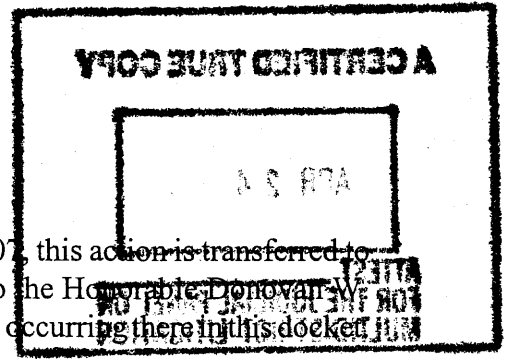
\* Judge Scirica took no part in the decision of this matter.

SCANNED

APR 30 2007

MLW

U.S. DISTRICT COURT MPLS



IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the District of Minnesota and, with the consent of that court, assigned to the Honorable Donovan W. Frank for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:

Wm. Terrell Hodges  
Chairman