

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

*In re: Guidant Defibrillators
Products Liability Litigation*

MDL No. 05-1708
(DWF/AJB)

This pleading applies to:
Third Party Payor Actions

**THIRD PARTY PAYOR PLAINTIFFS' MOTION TO EXTEND PAGE
LIMITS/WORD COUNT ON RESPONSE TO DEFENDANTS' MOTION TO
DISMISS**

Plaintiffs respectfully move the Court for entry of an Order for leave to exceed the word limitations imposed by L.R. 7.1(c) for their response brief in opposition to Defendants' motion to dismiss third party payor claims in the master complaint. Plaintiffs' reply brief exceeds the cumulative total requirements of the rule. The reply brief contains 13,747 words, counted by Microsoft Word's word counting function.

In light of the complexity of the factual and legal issues presented by the nature of this argument, good cause exists to exceed the page limitation. Defendants presumptuously brought their motion to dismiss exclusively under Pennsylvania law. However, the Court needs to be aware of a choice of law issue before simply applying Pennsylvania law to the motion. Defendants did not address this issue at all in their opening brief. Plaintiffs need to address that issue, and the subsequent varying state law analyses which it spawns; as a result, Plaintiffs' analysis, logically, can take almost twice the space of Defendant's opening brief. Thus, Plaintiffs respectfully request additional pages to address these issues properly.

Respectfully submitted,

Dated: September 8, 2006

ZIMMERMAN REED, PLLP

s/ Charles S. Zimmerman
Charles S. Zimmerman, #120054
651 Nicollet Mall, Suite 501
Minneapolis, MN 55402
Telephone: (612) 341-0400
Facsimile: (612) 341-0844

Liaison Counsel and
Lead Counsel Committee

LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP

s/ Elizabeth J. Cabraser
Elizabeth J. Cabraser
Embarcadero Center West
30th Floor, 275 Battery St.
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Lead Counsel Committee

NEBLETT, BEARD & ARSENAULT

s/ Richard J. Arsenault
Richard J. Arsenault
2220 Bonaventure Ct., P.O. Box 1190
Alexandria, LA 71301
Telephone: (318) 487-9874
Facsimile: (318) 561-2591

Lead Counsel Committee

LOCKS LAW FIRM PLLC

s/ Seth Lesser
Seth Lesser
110 East 55th St., 12th Floor
New York, NY 10022
Telephone: (212) 838-3333
Facsimile: (212) 838-3735

Lead Counsel Committee