

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

<p>Joseph Pagliolo, et al., for and on behalf of themselves and other persons similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>Guidant Corporation, an Indiana Corporation, et al.,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: right;">Civil No. 06-943 (DWF/SRN)</p> <p style="text-align: center;"><b>Plaintiffs' Motion for Conditional Certification and Mailing of Notice to Similarly Situated Individuals</b></p>
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Plaintiffs, by their attorneys, respectfully move the above-named Court for its order as follows:

1. Directing defendants to deliver forthwith to counsel for plaintiffs a list of each employee terminated in the August 2004 terminations whose age on the date the employee was notified of termination, as reflected in Guidant's business records, was 40.0 years or more;
2. Conditionally certifying a class in this collective action, which conditional class consists of all persons who were 40 years of age or more on the date in August 2004 when they received notice of termination of their employment from any named defendant in this case;
3. Approving the form of notice attached to this Motion as "Exhibit A" or such later-substituted notice as the parties may subsequently submit to the Court in lieu of Exhibit A;

4. Ordering such other and further relief as to the Court appears just, necessary or equitable in light of its rulings on request 1-3 above.

This motion is based upon all the files and proceedings herein, and is supported by the Affidavits of Wood R. Foster, Jr., and Joseph Pagliolo as well as a Memorandum of Law, all of which are submitted herewith.

Dated: June 11, 2007.

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