

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 08-cv-02048-REB-KLM

MAX HANCOOK, individually and on behalf of all others similarly situated,

Plaintiff,

v.

THE SPECTRANETICS CORPORATION,
JOHN G. SCHULTE, and
GUY A. CHILDS,

Defendants.

Civil Action No. 08-cv-02055-CMA-CBS

SEAN DONOGHUE, individually and on behalf of all others similarly situated,

Plaintiff,

v.

THE SPECTRANETICS CORPORATION,
JOHN G. SCHULTE,
JONATHAN W. McGUIRE,
GUY A CHILDS, and
DONALD FLETCHER,

Defendants.

Civil Action No. 08-cv-02078-MSK-BNB

ROBERT DICKSON, individually and on behalf of all others similarly situated,

Plaintiff,

v.

THE SPECTRANETICS CORPORATION,
JOHN G. SCHULTE, and
GUY A. CHILDS,

Defendants.

Civil Action No. 08-cv-02267-MSK-CBS

PAUL JACOBUSSE, individually and on behalf of all others similarly situated,

Plaintiff,

v.

THE SPECTRANETICS CORPORATION,
JOHN G. SCHULTE,
GUY A. CHILDS, and
EMILE J. GEISENHEIMER,

Defendants.

Civil Action No. 08-cv-02420-PAB

LOUIS LEE POSNER, individually and on behalf of all others similarly situated,

Plaintiff,

v.

THE SPECTRANETICS CORPORATION,
JOHN G. SCHULTE,
GUY A. CHILDS, and
EMILE J. GEISENHEIMER,

Defendants.

Civil Action No. 08-cv-02603-MSK-BNB

GENESEE COUNTY EMPLOYEES' RETIREMENT SYSTEM, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

THE SPECTRANETICS CORPORATION,
JOHN G. SCHULTE, and
GUY A. CHILDS,

Defendants.

ORDER GRANTING MOTIONS TO CONSOLIDATE

Blackburn, J.

The matter before me on the following motions: 1) **Robert Dyer's Motion To Consolidate Related Cases, For Appointment as Lead Plaintiff and To Approve His Selection of Lead Counsel** [#16], filed November 24, 2008; 2) **Ted Karkus's Motion for Consolidation of Related Actions, Appointment of Lead Plaintiff and Approval of Selection of Co-Lead Counsel** [#18], filed November 24, 2008; and 3) **Motion of the Spectranetics Investor Group To Consolidate Related Actions; To be Appointed Lead Plaintiff; and To Approve Proposed Lead Plaintiff's Choice of Counsel** [#19], filed November 24, 2006. These motions prompted the filing of responses [#24, #25] and a reply [#29]. I address in this order only the requests to consolidate related cases. Those requests are not opposed and are granted. I will address the other issues raised in these motions in a separate order.

The motions to consolidate concern several cases filed in this court which are putative class actions asserting securities fraud claims against Spectranetics Corporation and others. The putative class actions addressed in these motions are:

- 1) **Hancock v. Spectranetics Corp.**, 08-cv-02048-REB-KLM, filed Sept. 23, 2008;
- 2) **Donoghue v. Spectranetics Corp.**, 08-cv-02055-CMA-CBS, filed Sept. 24, 2008;
- 3) **Dickson v. Spectranetics Corp.**, 08-cv-02078-MSK-BNB, filed Sept. 26, 2008;
- 4) **Jacobusse v. Spectranetics Corp.**, 08-cv-02267-MSK-CBS, filed Oct. 17, 2008;
- 5) **Posner v. Spectranetics Corp.**, 08-cv-02420-PAB, filed Nov. 6, 2008; and
- 6) **Genesee County Employees' Retirement System v. Spectranetics Corp.**, 08-cv-02603-MSK-BNB, filed December 1, 2008.

Under FED.R.CIV.P. 42(a), the court may consolidate cases involving common questions of law or fact. Common questions of law and fact are predominant among the six cases listed above.

THEREFORE, IT IS ORDERED as follows:

1. That **Robert Dyer's Motion To Consolidate Related Cases, For Appointment as Lead Plaintiff and To Approve His Selection of Lead Counsel** [#16], filed November 24, 2008, is **GRANTED** to the extent Dyer requests consolidation of the six cases listed in this order;

2. That **Ted Karkus's Motion for Consolidation of Related Actions, Appointment of Lead Plaintiff and Approval of Selection of Co-Lead Counsel** [#18], filed November 24, 2008, is **GRANTED** to the extent Karkus requests consolidation of the six cases listed in this order;

3. That the **Motion of the Spectranetics Investor Group To Consolidate Related Actions; To be Appointed Lead Plaintiff; and To Approve Proposed Lead Plaintiff's Choice of Counsel** [#19], filed November 24, 2006, is **GRANTED** to the extent the Spectranetics Investor Group requests consolidation of the six cases listed in this order;

4. That under FED.R.CIV.P. 42(a)(2) and D.C.COLO.LCivR 42.1, Civil Action Nos. 08-cv-02055-CMA-CBS, 08-cv-02078-MSK-BNB, 08-cv-02267-MSK-CBS, 08-cv-02420-PAB, and 08-cv-02603-MSK-BNB are **CONSOLIDATED** with Civil Action No. 08-cv-02048-REB-KLM for all purposes;

5. That under D.C.COLO.LCivR 42.1, Civil Action Nos. 08-cv-02055-CMA-CBS, 08-cv-02078-MSK-BNB, 08-cv-02267-MSK-CBS, 08-cv-02420-PAB, and 08-cv-02603-MSK-BNB **ARE REASSIGNED** to Magistrate Judge Kristen L. Mix;

6. That the other issues raised in the three motions addressed in this order will be addressed and resolved in a separate order;

7. That all future filings in these consolidated actions shall be captioned as

shown below:

Civil Case No. 08-cv-02048-REB-KLM

(Consolidated with Civil Action Nos. 08-cv-02055-REB-KLM, 08-cv-02078-REB-KLM, 08-cv-02267-REB-KLM, 08-cv-02420-REB-KLM, and 08-cv-02603-REB-KLM)

In re SPECTRANETICS CORPORATION SECURITIES LITIGATION

Dated January 16, 2009, at Denver, Colorado.

BY THE COURT:

s/ Robert E. Blackburn
Robert E. Blackburn
United States District Judge