

# EXHIBIT E

**From:** "Carpenter, Andrew (SHB)" <ACARPENTER@shb.com>  
**To:** "Tina M. Olson" <TMO@zimmreed.com>, "Moeller, Deborah A. (SHB)" <DMOELLER@shb.com>, "Pratt, Timothy A. (SHB)" <TPRATT@shb.com>  
**Date:** Fri, Nov 3, 2006 3:19 PM  
**Subject:** RE: Guidant DFS

Thanks. As we discussed yesterday, I think you are correct that some of these should have been due. We're taking this list and comparing them to our records, and moving forward to correct this clerical error. We'll have a more definitive response for you Monday after we've compared information. But this is helpful.

ADC

-----Original Message-----

From: Tina M. Olson [mailto:TMO@zimmreed.com]  
Sent: Friday, November 03, 2006 11:06 AM  
To: Carpenter, Andrew (SHB); Moeller, Deborah A. (SHB); Pratt, Timothy A. (SHB)  
Cc: ssrikis@khhte.com; ecabraser@lchb.com; LAndrus@lchb.com; WFLEISHMAN@lchb.com; Slessor@LocksLawny.com; rarsenault@nbalawfirm.com; Charles S. Zimmerman; Elizabeth Peterson; Michael Sonsteng; Robert R. Hopper; Ronald S. Goldser  
Subject: Guidant DFS

Please see the attached correspondence from the Plaintiffs' LCC.

Thank you.

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November 6, 2006

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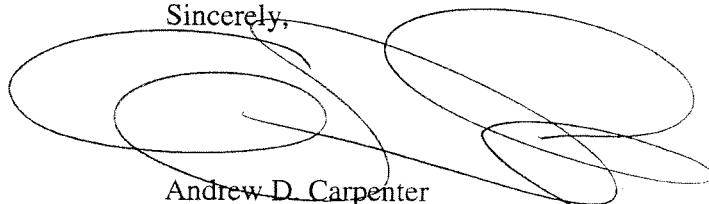
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Re: Defendant Fact Sheets

Dear Counsel:

I have received your letter of November 3 regarding the production of Defendant Fact Sheets ("DFSs"). I appreciate your providing us with a list of cases for which you believe DFSs are currently overdue. We have cross-referenced your list with our own records, and have encountered what we believe to be some salient discrepancies. Of course, as we all recall, the triggering event as we agreed was substantial completion of Section IV of the Plaintiff Fact Sheet and completion of the device information. This is admittedly something of an inexact standard, and we are checking to determine the relative completion of cases on your list which we do not show as currently due. If you are able to share with us the basis for your assertion of which cases are currently due DFSs as currently complete, it will help speed our analysis.

Sincerely,



Andrew D. Carpenter

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ADCZ:pcb

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