

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

**In re: GUIDANT CORP. IMPLANTABLE MDL No. 05-1708 (DWF/AJB)
DEFIBRILLATORS PRODUCTS
LIABILITY LITIGATION**

This document relates to:

0:06-cv-00033-DWF-AJB; Robert Haberle v. Guidant Corporation, et al.

0:06-cv-00031-DWF-AJB; Robert James Rebone v. Guidant Corporation, et al.

0:06-cv-00034-DWF-AJB; Kenneth J. Pepper v. Guidant Corporation, et al.

0:06-cv-00678-DWF-AJB; Charles E. Spruill v. Guidant Corporation, et al.

**STATUS OF POSSESSION OF PLAINTIFF'S DEVICES
PURSUANT TO ORDER MODIFYING PRETRIAL ORDER NUMBER 15**

1. Plaintiff Robert Haberle (deceased) had Model 1861 - Ventak Prizm No. 2 DR, Serial number 224112 explanted on September 21, 2005 at Mease Dunedin Hospital in Dunedin, Florida by Dr. Jonathan Hobson. To our knowledge, this device is in Guidant's possession. Plaintiffs previously provided written notice of this information on August 9, 2006 to: Andrew D. Carpenter, Esquire; Joseph Price, Esquire; Silvija Strikis, Esquire; Elizabeth Cabraser, Esquire; Charles Zimmerman, Esquire; Richard Arsenault, Esquire; Seth Lesser, Esquire; and Wendy Fleishman, Esquire. See correspondence attached in Exhibit "A".

2. Plaintiff Robert James Rebone had Model A135 - Vitality AVT, Serial Number 101623 explanted on August 16, 2005 at Shands Hospital in Gainesville, Florida by Dr. Thomas Burkart. To our knowledge, this device is in Guidant's possession. Plaintiffs previously provided written notice of this information on August 9, 2006 to: Andrew D. Carpenter, Esquire; Joseph Price, Esquire; Silvija Strikis, Esquire; Elizabeth Cabraser, Esquire; Charles Zimmerman, Esquire; Richard Arsenault, Esquire; Seth Lesser, Esquire; and Wendy Fleishman, Esquire. See correspondence attached in Exhibit "A".

3. Plaintiff Kenneth J. Pepper had Model 1861 - Ventak Prizm No. 2 DR, Serial number 226928 explanted on June 22, 2005 at Morton Plant Hospital in Clearwater, Florida by Dr. Fabio

Leonelli. To our knowledge, this device is in Guidant's possession. Plaintiffs previously provided written notice of this information on August 9, 2006 to: Andrew D. Carpenter, Esquire; Joseph Price, Esquire; Silvija Strikis, Esquire; Elizabeth Cabraser, Esquire; Charles Zimmerman, Esquire; Richard Arsenault, Esquire; Seth Lesser, Esquire; and Wendy Fleishman, Esquire. See correspondence attached in Exhibit "A".

4. Plaintiff Charles E. Spruill has Model H177 - Contak Renewal 3 CRT-D, Serial Number 506031, which has not been explanted. This device is still implanted in Mr. Spruill's chest and is not presently scheduled for explant. We have not performed any testing on this device nor has any such testing been performed to our knowledge. Accordingly, we will not be producing any of the test related items specified in paragraph 1 of PreTrial Order Number 15. Plaintiffs previously provided written notice of this information on August 9, 2006 to: Andrew D. Carpenter, Esquire; Joseph Price, Esquire; Silvija Strikis, Esquire; Elizabeth Cabraser, Esquire; Charles Zimmerman, Esquire; Richard Arsenault, Esquire; Seth Lesser, Esquire; and Wendy Fleishman, Esquire. See correspondence attached in Exhibit "A".

Respectfully submitted this 10th day of January, 2007.

FORIZS & DOGALI, P.L.

/s/ Daniel W. Anderson

A. Anderson B. Dogali

Fla. Bar No.: 0615862

adogali@forizs-dogali.com

Daniel W. Anderson

Fla. Bar No.: 0490873

danderson@forizs-dogali.com

4301 Anchor Plaza Parkway, Suite 300

Tampa, FL 33634

Telephone: (813) 289-0700

Facsimile: (813) 289-9435

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed electronically this *10th day of January, 2007*, using the Court's CM/ECF system, which will notify all counsel of record.

/s/ Daniel W. Anderson

Daniel W. Anderson