

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

*In re: Guidant Corp. Implantable
Defibrillators Products Liability Litigation*

§
§
§
§
§
§
§

MDL No. 1708
(DWF/AJB)

This Document Relates to All Actions

RONALD DOLLENS' OBJECTIONS TO PLAINTIFFS' SUBPOENA DUCES TECUM

TO: Plaintiff Lead Counsel Committee, Ronald S. Goldser, ZIMMERMAN REED, PLLP, 651 Nicollet Mall, Suite 501, Minneapolis, MN 55402, Silvija A. Strikis, KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C., 1615 M Street, N.W., Washington, D.C. 20036-3209.

Ronald Dollens ("Dollens") serves these objections to Plaintiffs' Subpoena Duces Tecum ("Subpoena") as follows:

Respectfully submitted,

By: 

Timothy A. Pratt
Deborah A. Moeller
SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City MO 64108
Telephone: (816) 474-6550
Telefax: (816) 421-5547

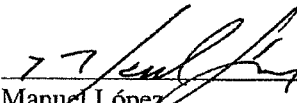
ATTORNEYS FOR DEFENDANT
CARDIAC PACEMAKERS, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 28, 2007, I caused to be served a true and correct copy of Ronald Dollens' Objections to Plaintiffs' Subpoena Duces Tecum, via U.S. certified mail, return receipt requested, on the following:

Ronald S. Goldser
ZIMMERMAN REED, PLLP
651 Nicollet Mall, Suite 501
Minneapolis, MN 55402

Silvija A. Strikis
KELLOGG, HUBER, HANSEN,
TODD, EVANS & FIGEL, P.L.L.C.
Sumner Square
1615 M Street, N.W.
Washington, D.C. 20036-3209



Manuel López

GENERAL OBJECTIONS

1. Dollens objects generally to the Subpoena on the grounds that it is improperly directed to Dollens, oppressive and designed to impose undue burden, expense, and annoyance on Dollens. The Subpoena seeks voluminous information not relevant to the claims or defenses of the parties to this action. Furthermore, the Subpoena is cumulative and duplicative of information Plaintiffs have already sought from the Defendants.

2. Dollens objects generally to the extent that the Subpoena seeks information protected by the attorney/client privilege, the attorney work-product privilege, or any other applicable privilege.

3. Dollens objects to the extent that the Subpoena seeks the disclosure of information which constitutes trade secrets or other confidential research, development, or commercial information of Defendants. Any documents produced pursuant to the Subpoena are subject to the protective order signed by the parties and entered by the Court.

4. Dollens objects to the “Definitions and Instructions” to the extent that they attempt to impose obligations beyond those imposed or authorized by the Federal Rules of Civil Procedure.

5. Dollens objects to the Subpoena to the extent that it seeks sensitive and private information and/or documents including, but not limited to, the identity of individual patients or their physicians and medical facilities. Specifically, disclosure of this information and/or documents could violate the privacy rights of persons who are not parties to this action, and would also violate statutory, regulatory and common law. Federal law expressly requires the protection of any information that would identify any person associated with an adverse event related to a medical device. *See, e.g.*, 21 C.F.R. § 20.63(f); 21 U.S.C. § 360i; 21 C.F.R. § 314.430, *et seq.*; 21 C.F.R. §§ 20.111.

6. Dollens objects to the extent that the Subpoena seeks the disclosure of private personal information, on the grounds that (i) the disclosure of such information would invade the privacy of Dollens, or third parties, and may violate federal, state, and/or local laws or regulations protecting such information from disclosure, and (ii) such information is neither relevant to the claims or defenses of the parties to this action nor reasonably calculated to lead to the discovery of admissible evidence.

7. Dollens reserves all objections or other questions as to the confidentiality, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding or trial of this or any other action for any purposes whatsoever of any documents or things responsive to this Subpoena.

8. Dollens objects generally to the Subpoena to the extent that it seeks irrelevant and inadmissible “after the fact” information that is unrelated to the merits of this

litigation. This amounts to an impermissible fishing expedition and is intended to harass and oppress Dollens.

9. Dollens reserves the right to supplement these Objections should it be appropriate to do so.

SPECIFIC OBJECTIONS

1. All documents referring, relating, or pertaining in any way to the marketing and/or sale of Defendants' implantable defibrillators or pacemakers.

OBJECTIONS: Dollens objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited to the devices exhibiting the recalled failure mechanisms at issue in this litigation. Dollens also objects to this Request and, specifically, to the phrase “referring, relating, or pertaining in any way to” on the grounds that they are vague, ambiguous, and fail to identify the documents sought with reasonable particularity. Dollens also objects because this Request is duplicative of prior discovery obtained from Defendants throughout this litigation. Moreover, this Request does not seek a manageable amount of documents that are narrowly tailored to the underlying deposition. Therefore, this Request is an improper use of Subpoenas Duces Tecum under the Federal Rules of Civil Procedure.

2. All documents reflecting, referring, relating or pertaining in any way to communications between Defendants and the United States Food and Drug Administration ("FDA") regarding Defendants implantable defibrillators or pacemakers.

OBJECTIONS: Dollens objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited to the devices exhibiting the recalled failure mechanisms at issue in this litigation. Dollens also objects to this Request and, specifically, to the phrase “reflecting, referring, relating or pertaining in any way to” on the grounds that they are vague, ambiguous, and fail to identify the documents sought with reasonable particularity. Dollens also objects because this Request is duplicative of prior discovery obtained from Defendants throughout this litigation. Moreover, this Request does not seek a manageable amount of documents that are narrowly tailored to the underlying deposition. Therefore, this Request is an improper use of Subpoenas Duces Tecum under the Federal Rules of Civil Procedure.

3. All documents referring, relating, or pertaining in any way to defects or malfunctions in Defendants' implantable defibrillators or pacemakers.

OBJECTIONS: Dollens objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited to the devices exhibiting the recalled failure mechanisms at issue in this litigation. Dollens also objects to this Request as argumentative because of the use of the terms “defects” and “malfunctions.” Dollens also objects to this Request and, specifically, to the phrase “referring, relating, or pertaining in any way to” on the grounds that they are vague, ambiguous, and fail to identify the documents sought with reasonable particularity. Dollens also objects because this Request is duplicative of prior discovery obtained from Defendants throughout this litigation. Moreover, this Request does not seek a manageable amount of documents that are narrowly tailored to the underlying deposition. Therefore, this Request is an improper use of Subpoenas Duces Tecum under the Federal Rules of Civil Procedure.

4. All documents referring, relating, or pertaining in any way to Defendants' advisories to physicians and/or patients regarding defects or malfunctions in Defendants' implantable defibrillators or pacemakers.

OBJECTIONS: Dollens objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited to the devices exhibiting the recalled failure mechanisms at issue in this litigation. Dollens also objects to this Request as argumentative because of the use of the terms “defects” and “malfunctions.” Dollens also objects to this Request and, specifically, to the phrase “referring, relating, or pertaining in any way to” on the grounds that they are vague, ambiguous, and fail to identify the documents sought with reasonable particularity. Dollens also objects because this Request is duplicative of prior discovery obtained from Defendants throughout this litigation. Moreover, this Request does not seek a manageable amount of documents that are narrowly tailored to the underlying deposition. Therefore, this Request is an improper use of Subpoenas Duces Tecum under the Federal Rules of Civil Procedure.

5. All documents referring, relating, or pertaining in any way to the FDA's recall of Defendants' implantable defibrillators or pacemakers.

OBJECTIONS: Dollens objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited to the devices exhibiting the recalled failure mechanisms at issue in this litigation. Dollens also objects to this Request and, specifically, to the phrase “referring, relating, or pertaining in any way to” on the grounds that they are vague, ambiguous, and fail to identify the documents sought with reasonable particularity. Dollens also objects because this Request is duplicative of prior discovery obtained from Defendants throughout this litigation. Moreover, this Request does not seek a manageable amount of documents that are narrowly tailored to the underlying deposition. Therefore, this Request is an improper use of Subpoenas Duces Tecum under the Federal Rules of Civil Procedure.

6. All documents referring, relating, or pertaining in any way to your employment at Guidant Corporation.

OBJECTIONS: Dollens objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited to the devices exhibiting the recalled failure mechanisms at issue in this litigation. Dollens also objects to this Request on the grounds that it is unduly burdensome and oppressive in that it seeks private, personal information that is unrelated to this action. Dollens also objects to this Request and, specifically, to the phrase “referring, relating, or pertaining in any way to” on the grounds that they are vague, ambiguous, and fail to identify the documents sought with reasonable particularity.

7. All documents referring, relating or pertaining in any way to your resignation from President and Chief Executive Officer of Guidant Corporation.

OBJECTIONS: Dollens objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, including to the extent that it is not limited to the devices exhibiting the recalled failure mechanisms at issue in this litigation. Dollens also objects to this Request on the grounds that it is unduly burdensome and oppressive in that it seeks private, personal information that is unrelated to this action. Dollens also objects to this Request and, specifically, to the phrase “referring, relating, or pertaining in any way to” on the grounds that they are vague, ambiguous, and fail to identify the documents sought with reasonable particularity.

8. Copies of all computer or electronic representations, records, databases, or other data stored on any type of magnetic media containing any material relevant to items 1,2, 3,4, 5, 6, or 7 above.

OBJECTIONS: Dollens objects to this Request on the grounds that it is unduly burdensome, cumulative, duplicative, and oppressive to the extent that it seeks the same information as Requests 1 through 7 above. Dollens incorporates herein its objections to those Requests. Dollens also objects to this Request on the grounds that it is unduly burdensome to the extent it purports to require the production of documents or data in a particular format or on a particular medium. Dollens also objects to this Request on the grounds that it is unduly burdensome and oppressive to the extent that it seeks proprietary or other commercially protected information, such as software, data, programs or databases, for which no necessity and relevance has been show or to the extent it violates any licensing agreement or copyright laws.